

National Civic Review

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July 1960

Volume XLIX, No. 7

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- Cities with Hands Tied
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Be Reapportioned



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National Civic Review

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3-Conference Series Planned

The next three National Conferences on Government—in 1960, 1961 and 1962—will be planned around the general theme of “American System: Web of Governments,” according to a plan worked out by the staff in cooperation with the Committee on Policy and Program.

Beginning with the Phoenix meeting, November 13 to 16, this cycle of Conferences will be a central part of the League’s program to create a better understanding by civic leaders and others of the complex pattern of inter-governmental relationships which characterizes the American system.

The Phoenix meeting will focus on the “Citizen’s Dilemma in the Web of Governments” and examine the unusual demands which the American system makes on the citizen. In 1961 emphasis will be on “Metropolitan Areas: Focal Point of Intergovernmental Conflict and Cooperation.” The final Conference in the series will consider the basic problem of providing “Leadership to Form a More Perfect Union.” The special

Conference theme for the 1962 Conference contains a key quotation from the preamble of the United States Constitution in order to stress the fundamental importance of a positive approach to achieve more workable relationships between levels and units of government.

Program planning stresses the importance of sensible working relationships among the several levels of government. While recognizing that these relationships are characterized by a certain amount of conflict, it assumes that this conflict must be managed to promote constructive action and prevent stalemate.

While avoiding the common trap of attributing most of the problems of the states and localities to a “grasping” federal bureaucracy, Conference planners recognize the values associated with local and state responsibilities and the consequent need to help the states and municipalities muster the vitality necessary to meet their responsibilities.

The decision to give the Conference

(Continued on page 342)

Typical of the new architecture of fast-growing Phoenix, host city for the 1960 National Conference on Government, is the public library in the civic center.



Many Cities Seek All-America Honors

With the 1960 All-America Cities contest open less than a month, 103 cities had requested official entry blanks, the largest number at so early a date.

The contest, co-sponsored by the National Municipal League and *Look Magazine*, is in its twelfth consecutive year. Eleven cities, selected for "civic progress accomplished through intelligent citizen action," will be cited for the award and publicized in *Look* and the *NATIONAL CIVIC REVIEW*.

Announcement of the final "All-

America" winners will be made early in 1961. Closing date for the receipt of completed entry blanks is September 19.

Twenty-two finalists will be chosen by a screening committee and the finalists will be invited to send spokesmen to appear before a jury of civic leaders which will meet during the League's 66th annual National Conference on Government at the Hotel Westward Ho in Phoenix, Arizona, November 13-16.

Conference Series

(Continued from page 341)

series to problems of intergovernmental relations was encouraged by the creation of a new permanent agency, the Advisory Commission on Intergovernmental Relations.

The League is endeavoring to alert the public to the importance of the work of this new federal agency. When the temporary Commission on Intergovernmental Relations (Kestnbaum Commission) issued the results of its findings it created scarcely a ripple in the American civic consciousness, even though it was the first systematic official inquiry into the nature of our federal system since the constitutional convention of 1787.

The increased urbanization of the United States has caused a growing recognition of the importance of "intergovernmental relations" and of the fact that proper handling of problems or functions of government depends upon the ability of the various levels and units of government to plan and work together.

The program of the Phoenix Conference will focus on the dilemma which the conscientious citizen faces as he tries to be effective in the context of

the multi-level American system. General sessions scheduled for each morning of the Conference will be designed to dramatize the importance of intergovernmental cooperation if the citizen is to be served adequately, the various roles the citizen plays as he becomes involved in government, and the efforts being made to clarify the relationships among the levels and units of government.

Luncheon speakers will develop particular aspects of the problem and give attention to the need for informed participation if the vitality of the system is to be maintained.

Eleven workshops will provide the opportunity for participants to explore during the afternoon specific aspects of the questions covered in the morning and luncheon sessions. Among the workshop topics are: "The Citizen Association and Regional Problems," "Reapportionment After the 1960 Census," "Cities Grow by Annexation," "The Modern County," "The Businessman as Politician," "Citizen Advisory Boards," "The Manager Reports to the Citizens," "Civic Education in Schools," "Local Teamwork — City-County Cooperation" and several workshops on state constitutions.

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Editorial Comment

The Highway Bungle

THE July issue of *The Reader's Digest* provides the details of what threatens to be a scandal of major proportions. In an article, "Our Great Big Highway Bungle," the magazine charges that billions—not mere millions but billions—of dollars are being wasted on the "interstate and defense" highway network.

According to *The Digest*, "haste, waste, mismanagement and outright graft are making a multi-billion-dollar rathole" out of this joint federal-state program. The system of roads which was to have cost \$27 billion when the Congress first voted for it five years ago, actually will cost upward of \$50 billion. This vast increase, it is claimed, will be due chiefly to the fact that the laws that set up the mammoth project had extravagance and inefficiency written into them.

The federal government furnishes 90 cents or more out of each dollar. It laid out a rough, over-all plan and established certain broad minimum specifications. In theory it inspects the various jobs as they progress but in practice its inspectors cannot begin to find all the waste and dishonesty.

The states, putting up only ten cents or less out of each dollar, make the detailed plans, the decisions on just where these roads will go, whose land will be bought for what price, whether asphalt or cement will be used as surface, which towns will be by-passed and which bisected, who gets the contracts for how much. The fact that the author-

ity which spends the money need not raise it through taxes seems to be an invitation to the evils now turning up.

Some states buy the land first, pay the price decided on by the owners and local politicians and only then have the property appraised. If the appraisal does not come near the price paid, well, that's just too bad! Expensive interchanges are built where it is claimed they are not needed, urban planners often are not even consulted.

High ranking former officials in the Oklahoma State Highway Department and prominent contractors have found it convenient to take the fifth amendment when questioned. In Indiana several persons have been tried for corruption in highway land purchases. Investigators in other states are turning up smelly situations.

But it is stupidity and recklessness with public money rather than old fashioned graft that, it is claimed, are costing the taxpayers most. An example is the defense phase of the network. The federal Bureau of Public Roads and a committee of state highway officials, without even consulting the Defense Department, decided that fourteen feet was proper headroom for all bridges and underpasses. Two and a half years later, after some two thousand structures had been completed, the military complained—and the two thousand jobs will have to be done over at a cost of what one builder called "only \$730 million."

A congressional committee under the chairmanship of Representative John A. Blatnik of Minnesota has begun an investigation. *The Reader's Digest* in its article urges citizens with knowledge of actual cor-

ruption or needless cost to report the facts to Mr. Blatnik's committee in the hope that new laws will cut back the costs, give roads worth the tax dollar and meet future needs.

Businessmen in Politics

WHY do businessmen and a lot of other people shy away from "politics"? Why do they cringe at the thought of running for office?

There are two principal reasons:

1. Politics often has a bad name because some politicians have made the playground look dirty and cheap even though most politicians are honest.

2. Businessmen hesitate to interrupt their careers for public office that demands all their time.

One solution: Clean up the playground and make office-holding less time consuming.

When his city's government is organized in a businesslike fashion, with competent administrators handling the details, a busy man can take time to serve as mayor or councilman or in other leadership posts.

He can serve just as comfortably and proudly as he can on the school board, without losing face or embarrassing his relations with friends, customers or clients. And every high type citizen who becomes active benefits his party, community and the nation. The more widespread the participation, the better a political party will be.

There is one more consideration—so-called apathy. Citizen apathy toward public affairs is due not to indifference but to ignorance.

When good citizens have depend-

able facts and sound programs, no one has to lure them away from their TV sets and teach them to ring doorbells. They act easily, naturally, enthusiastically. They become civic and political leaders. They serve as mayors and as councilmen. Some go on to the state capitol and to Washington.

There is pay dirt in improving municipal, county and state government. These governments are not so little. Of 8,487,000 civilian government employees in 1959, 71 per cent were on state and local payrolls. Excluding defense and foreign relations, states and their subdivisions spend almost two times what the federal government spends.

Poor local government hits the taxpayer harder and faster than does any highly publicized boondoggling in Washington.

So the place for the businessman (or any other good citizen) to start being a "politician" is right at home where he can make himself felt. The men who go to seats of power in Washington come from our communities, good or bad, and they reflect their environment. And the businessman in the mayor's chair or council chamber has a hundred times the say as to who gets to run for Congress than the businessman who merely makes contributions to parties *after* nominees are picked.

Cities with Hands Tied

N. Y. Mayor pleads that lawyers awaken to fact municipalities are governments, not businesses.

By ROBERT F. WAGNER*

A FACT which should be obvious but which is continually overlooked and must be always borne in mind is that, while the federal and state governments are sovereign and all-powerful, the actual burden of providing for the internal order, security and well-being of the people rests squarely upon the shoulders of municipal governments. It is at the local level that the people's safety is made secure, their lives and their health protected, their children educated. It is the municipal governments which actually provide the facilities and services necessary for a civilized community.

One would expect—to borrow from Hohfeld—that the existence of this vast complex of duties in municipalities would have as a necessary correlative an equally vast array of powers in municipalities necessary or convenient for the carrying out of these duties. But such is not the case. And this leads directly into a consideration of the century-old struggle for municipal home rule.

It is one of the facts of life that despite the growth of urban populations state legislatures are dominated by representatives of the rural population. This result has been achieved through the device of disproportion-

ate representation; under-representation of city populations and over-representation of rural areas in state legislatures.

In New York, for example, the legislature is so apportioned that assemblymen in rural upstate communities represent as few as 14,000 people and assemblymen in New York City's Bronx represent 160,000 people. State senators in upstate rural communities represent as few as 147,000 people and state senators from New York City represent as many as 345,000 people. A consequence is that in New York 39 per cent of the people elect a majority of assemblymen and 41 per cent elect a majority of the senators.

In justice to my own state, however, I must observe that rural domination of our state legislature, although shocking to any adherent of the American ideal of representative government, is almost modest compared to the situation which exists in other states. For example, in Connecticut less than 10 per cent of the popular vote is sufficient to carry control over the lower house of its state legislature and in California less than 12 per cent of the popular vote is sufficient to control the upper house.

But how does this affect the subject of municipal home rule? It is through the almost universal acceptance in this country of Dillon's doctrine that cities are creatures of the state legislature and that powers

* Mr. Wagner has been mayor of New York City since 1954. He served previously as New York State assemblyman, New York City tax commissioner, commissioner of housing and buildings, chairman of the city planning commission and president of the borough of Manhattan.

granted to them by law or by constitutional provision must be strictly and narrowly construed. Here is how that doctrine operates.

In order to offset the effects of rural domination of state legislatures, the cities have exacted state constitutional provisions granting home rule to municipalities in various degrees. The courts, however, have so narrowly construed those constitutional grants of immunity from legislative interference as to reduce them close to the vanishing point. While this is not merely a New York phenomenon but is indeed a pattern repeated in almost every state, the example of our experience is sufficient to make the point.

* * *

Since the early nineteenth century there have been provisions in various state constitutions including that of New York prohibiting the enactment of "local" laws—that is, laws affecting single municipalities—in regard to particular subjects of local concern. The courts, however, interpreted those provisions as being subject to frustration by a simple semantic device: a law is not local, say the courts, if instead of naming a specific municipality it describes that municipality with such particularity that the law could be applicable only to it. A statute which names as its object New York City, say the courts, is a "local" law within the meaning of such a constitutional provision. But if the law by its terms applies only to a city "with a population of one million or more," it is not a "local" law at all even though as everybody knows New York City is the only municipality in the state

with a population of anywhere near one million.

Faced with the application of this absurdly frustrating device, the people of New York City successfully campaigned for an amendment to the state constitution to provide cities with immunity from legislative interference through the enactment of local laws relating to a city's "property, affairs or government." And in order to avoid the semantic device to which I have referred, they brought within the constitutional proscription all such local laws as were "in effect" local, whether or not they were local in "terms."

At the end of that long and successful campaign for meaningful constitutional home rule it was expected there had been ended for all time the typographical device which, with court approval, had frustrated constitutional prohibitions upon the adoption of "local" laws.

This illusion lasted only five years. For in 1929 the courts declared that the term "property, affairs or government" meant neither "property" nor "affairs" nor "government" in their ordinary sense. Indeed, despite the oft-repeated statement that since constitutional amendments are adopted at referenda they must be interpreted as they would be by the "ordinary, intelligent voter,"¹ the Court of Appeals stated flatly that those words were not to be interpreted in their "Webster's dictionary sense" at all but must be regarded as having been used "with a Court of Appeals definition" in mind.²

¹ See, e.g., *Kuhn v. Curran*, 294 N.Y. 207.

² *Adler v. Deegan*, 250 N.Y. 467, 473 (1929).

The courts then went on to carve out of the phrase "property, affairs or government" of cities a whole area of "state concern." As to matters of "state concern," a term which nowhere appears in the constitution, special and discriminatory laws, said the courts, could be adopted even though they related solely to particular cities without compliance with the constitutional protection against legislative interference with local government.

* * *

Having announced the doctrine of "state concern," the courts in a succession of cases then went on to determine, for example, that the transit system for the acquisition of which New York City had spent more than \$1 1/3 billion was not the city's "property" within the constitutional provision, that the fate of that system's 45,000 city employees was not the city's "affair" and that its operation had nothing whatever to do with the city's "government"; that the power of local taxation and the power to borrow money for local improvements was none of the "affair" of the city and had nothing to do with its "government"; that the creation of a city plumbers' licensing board was a matter of state concern because it related to health.

In short, narrow judicial construction of our constitutional home rule provision has left the state legislature free to do as it will with individual cities and free to interfere with their most minute municipal problems. The doctrine of "state concern" has so permeated the law that no city in New York State can with any degree of assurance de-

termine that any particular subject is outside the domain of the state legislature and within the domain of its local legislative body. Corporation counsels and city attorneys have become so baffled and scared by court decisions in this area that when any serious legislative proposal is made they automatically advise against local legislative action lest they involve their municipalities in unauthorized activities which the courts will invalidate.

The long and unhappy tale of the judicial and legislative frustration of city home rule with particular emphasis upon the New York experience has been set down in detail elsewhere—see, "Constitutional City Home Rule In New York," by W. Bernard Richland, 54 *Columbia Law Review* 311-337, and 55 *Columbia Law Review* 598-629. That study shows an almost nation-wide judicial hostility to municipal autonomy.

In an article written by one of New York's great Republican state senators, Thomas Desmond,³ he too noted a tendency of our courts to almost automatically rule against home rule. He too observed the morbid preoccupation of rural-dominated state legislatures with the detailed regulation of municipal administration. He described it neatly: "Like domineering mothers, the states refuse cities the right to run their own lives. Only 21 states make so much as a gesture of granting some form of home rule to their cities and even this is usually meaningless."

³ "The States Eclipse the Cities," *New York Times Magazine*, April 24, 1955; reprinted in *NATIONAL MUNICIPAL REVIEW*, June 1955.

After describing a variety of devices used by state legislatures to harass the cities, Senator Desmond noted particularly their practice of imposing expensive operations and activities upon cities and at the same time withholding from cities the right to impose taxes to provide the revenues with which to carry them out. He concluded: "Yet in all the quarrels between cities and states the cities usually have to battle with both hands tied behind their backs."

He frankly observed: "Our cities have gained maturity but instead of recognizing what they can and must do for themselves the states continue to pass laws interfering with them, often for reasons of spite. Legislatures can punish opposing cliques, grant concessions and act as benign overlords or petty tyrants."

* * *

Lack of municipal autonomy has other side effects of a serious and destructive nature. A careful municipal official, faced with the necessity of obtaining legal authorization and conscious of the limited area of municipal autonomy provided by law, is driven to applying to the state legislature for specific authority. In New York State each session of the legislature is overwhelmed by literally thousands of bills relating to the specific problems of particular municipalities. A person reading our Legislative Index of bills before the legislature would get the impression that state legislators are the aldermen, supervisors, selectmen and trustees for every city, county, town and village.

How detailed this regulation is is typified by such laws enacted by the New York legislature as these: A law

to authorize the town of Woodstock to pay a \$404 gasoline bill out of its snow removal and miscellaneous items fund; a law authorizing towns to increase their petty cash funds from \$200 to \$500; a law authorizing a city to build a school on a portion of one of its own parks; a law authorizing a particular county to pay its employees every two weeks instead of once a month.

Also a law authorizing a particular town to pay a contractor for putting a fence around a municipal parking lot; a law authorizing New York City to demolish the Fulton Street elevated in Brooklyn; a law authorizing the New York City register and sheriff to close on Saturdays; a law authorizing New York City to acquire a small cemetery in the Bronx and a law regulating the size of light bulbs in New York City tenement house hallways.

At the end of each legislative session there are left on the governor's desk for executive action hundreds of bills adopted by the legislature relating to minute aspects of clearly local problems which must seem utterly foreign to the chief executive and obviously have no relation at all to the state level of government. Justification of this curious state of affairs is sometimes sought in the strange and unfounded fiction that although cities are great centers of culture and science and the very manifestation of an advanced civilization, city people are not fit to govern themselves—as though genius for government were an agricultural product which can be nurtured only by rural representatives in state legislatures.

A great deal of the responsibility

for this state of affairs rests upon us lawyers. Lawyers in our country, for the most part, make the laws and lawyers are the judges who interpret the laws which lawyers make. But, not only is our training directed to the service of private litigants, it is founded upon the acceptance of notions inimical to the healthy development of municipal law. Moreover, municipal law itself is a woefully neglected subject in many of our law schools and courses in municipal law are inadequate, often hypertechnical and seldom related to reality.

* * *

Our studies in municipal law start with the uncritical acceptance of Dillon's rule which holds that states are sovereign and cities are their creatures. We emerge from law school bemused by the notion that if something is called a "state" then no matter how meager its resources or how small its population and how lacking it is in cultural institutions, it is sovereign and the equal of any other state. But if something is called a "city" then, however vast its resources, however large its population, however well developed and integrated its cultural institutions, it lacks the quality of sovereignty and is but a creature which lives and thrives or withers and dies at the whim of its creator, the sovereign state.

But clearly, as many have observed, sovereignty is not unitary. The mere fact that a state is sovereign in its sphere does not preclude a city from being endowed with sovereignty too, even as our federal government and our 50 separate state governments are all sovereign.

Legal scholars, lawyers and judges study municipal governments as municipal corporations. Indeed the texts they use are so named. Once that notion is imbedded in their minds they regard the problems of the municipal corporation involved as legally analogous to those of any other kind of corporation.

They examine a local government charter as though it were a certificate of incorporation and import notions of corporate *ultra vires* into government law. They consider municipal corporations as being as subject to having their charters amended as any other corporation can have its certificate of incorporation superseded as an exercise of sovereign power under the usual constitutional provision reserving authority over corporations. They regard municipal charters not as frameworks designed for the exercise of sovereignty for proper governance of communities but as though they were of the same character as certificates of incorporation of grocery chains, dry cleaning establishments or manufacturers of tin cans. In short, they continually overlook the circumstance that municipal governments are governments nevertheless and not corporations engaged in private business.

Professor Harvey Walker put it neatly:⁴ "With such an educational background, it is a near miracle that public law as it relates to local government works at all."

Many scholars in this field have expressed grave doubt that any constitutional provision can be framed

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⁴ "Towards the New Theory of Municipal Home Rule," 50 *Northwestern University Law Review*, 571-577.

Nature's Way with Waste

Sewage ponds make adequate treatment possible in many areas not able to afford costly plants.

By DON ROMERO*

SINCE 1956 a steady stream of government officials from Washington, technicians from virtually every state in the union and even visiting scientists from Europe and Latin America have been journeying to the little town of Fayette, Missouri, for just one purpose—to take a long, incredulous look at a pond.

Fayette's 3,100 citizens are justifiably proud of their famous fifteen-acre lagoon. It has unfailingly provided them with seemingly miraculous benefits. It has become one of the country's most important scientific "show places." And it has been officially selected by the U. S. Public Health Service for a five-year study. Yet the people of Fayette are puzzled; for the life of them they can't figure out how the darn thing works.

They can't understand how frogs and turtles can live in the water or why the pond doesn't breed mosquitoes by the millions; why its seepage doesn't pollute nearby wells or how the water can remain a lovely clear blue-green and why loons and geese come there for refuge. Most of all they can't understand why the pond doesn't simply reek to high heaven. Day and night for the last four years all the sewage from the town of Fayette has poured into this three-

foot-deep pond. Although no chemical or mechanical means of any type has ever been used to purify the sewage, the pond has not only remained odorless but its effluent, as shown by daily analyses, achieves a high degree of purification. And although millions of tons of sewage—solids as well as liquids—have been poured into the pond, it has maintained the very same capacity it started out with.

Secret of the Fayette pond lies in the recent rediscovery of one of nature's oldest wonders—a method of purifying sewage that is simple, completely safe, remarkably efficient and extraordinarily inexpensive. Says one public health official, "With our highly developed modern technology we tend to think that we can purify sewage only with costly and complicated mechanical installations—such as aeration systems—trickling filters or activated sludge plants. The fact is that nature, all by herself, can do an excellent job on everything except certain kinds of synthetic industrial waste."

To purify sewage nature uses such unlikely agents as worms, snails, bacteria and algae. When sewage is poured into a "sewage stabilization lagoon," the solids drop to the bottom where they are promptly disposed of by worms and snails—which is why the capacity of the pond never decreases. The remaining sewage is then attacked by bacteria and is also

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subjected to one of the most powerful of all nature's purifying agents, oxygen, which the algae under the stimulus of sunshine produce in surprising quantities.

Like most important discoveries this natural phenomenon was stumbled upon largely by accident. In 1928 the town of Fessenden, North Dakota, having just installed a new sewer system, suddenly found itself unable to raise the additional funds necessary for constructing a mechanized sewage treatment plant. Having no recourse, the town began to pour its sewage into a basin which had been hastily dug at the edge of town. A couple of months later both town officials and state inspectors were astounded to find that the basin sewage had—through some mysterious process of self-purification—actually achieved a higher degree of purity than could have been produced by means of a conventional mechanized plant.

* * *

Incredibly, when this invaluable discovery was announced in various sanitation journals, it was dismissed on the ground that "nothing that simple can really do the job." As a result it was not until 1948—after the Fessenden pond had proved itself by functioning successfully for twenty years (it is still in operation)—that the nearby town of Maddock, North Dakota, installed a pond of its own. Within the next three years another half dozen North Dakota towns followed suit.

Not until 1951, however, when Glen J. Hopkins, U. S. Public Health Service regional engineer for seven midwestern states, made a careful study of the North Dakota ponds to

determine if this kind of sewage treatment could be used in other parts of the country, did the pond movement begin to gain national momentum. As a result of Hopkins' enthusiastic recommendations and personal crusading, the movement not only spread to other states but in 1956 the USPHS established the country's first experimental station on the banks of the Fayette pond.

Today there are still less than 1,000 municipal ponds in the entire country. But there is every indication that the number will grow—and fast. For one thing, since the beginning of 1957 the federal government, along with its aid on other approved types of municipal sewage plants, has been offering up to 30 per cent of the construction cost of an approved pond, with a maximum grant of \$250,000 per pond. As a result, in the three years ending in 1959, some 400 municipal ponds have been built or scheduled for construction throughout the country at a cost of about \$52 million—of which the government has contributed more than \$11 million. In this same period an additional 110 ponds were built by municipalities ineligible for federal aid because of their financial ability to assume the full cost of construction.

Perhaps even more important, however, is the fact that the government has set an inspiring example for the rest of the country. Both the National Park Service and Bureau of Indian Affairs are now making wide use of this type of sewage treatment. And the Army, Navy and Air Force have already completed some 30 ponds at defense installations here and abroad.

Most sanitation experts are quick

to point out that with a pond "you get an awful lot for an awful little." Construction, for example, ordinarily consists of not much more than bulldozing a thick circular dike to a height of about eight feet, levelling the floor of the pond, installing an outflow pipe, laying down a feed line to which an electric pump is attached—and that's about it. And if the pond can be fed by gravity then the pump is unnecessary.

* * *

Depending on the value of the land the USPHS estimates that a pond costs from 60 to 75 per cent less than the cheapest mechanized plant of comparable capacity. The Fayette pond, for example, cost only \$60,000 as opposed to the \$200,000 which the town would have had to spend for a mechanized plant. As for maintenance, the Fayette pond is handled entirely by one part-time worker. Once a day he inspects the inflow pump and once a week he oils it. Once every three weeks he cuts the grass grown on the dikes to prevent erosion. And once a month he pulls out any weeds which may have grown in the pond and which could lead to the breeding of mosquitoes by providing them with a protected area for laying their eggs. "For this maintenance," say Fayette's Mayor Skillman, "we pay about \$350 a year—instead of the \$6,000 a year we would have had to pay to maintain a mechanized plant."

As Walter Towne, chief of USPHS Water Pollution Control Research, points out, "You don't need skilled labor to build a sewage pond. And to run one you need practically no labor at all." This rock-bottom up-

keep is prompting an increasing number of towns to build sewage ponds, the cost of which can be speedily amortized by the enormous saving in maintenance. The result is an early drop in per capita sewage tax.

Most public health officials agree that sewage ponds are ideally designed for small-town use, provided the town has a competent sewer system. There is, of course, a limit on the size of a community which can effectively employ a pond. But the ponds at Jamestown and Grand Forks, North Dakota, for example, will service 10,000 and 40,000 people respectively. And four ponds in Auckland, New Zealand, can service a total of 381,000.

Pond technicians have found that the ponds work with better than adequate efficiency even in northern areas where they may be covered with ice and snow for as long as six months of the year. (Under such conditions the work of purification is carried on by anaerobic bacteria rather than by aerobic bacteria and oxygen.) As a result there are some 250 ponds in such frigid areas as Montana, the Dakotas, Saskatchewan, Manitoba and British Columbia.

Technicians have also found that the traditional sewage load ratio of 100 people per pond acre, long adhered to by state health departments as a safety precaution, is far below the potential capacity of these ponds. As a result, health departments have begun to raise their limits—up to 200 people per acre in northern areas and 400 people per acre in southern areas. Yet even these limits are considered too conservative by most experts.

"We still don't know what the safe year-round loadings are for these ponds," says Jack Smith, executive secretary of Missouri's Water Pollution Board, "but the chances are they are considerably higher than the limits now set by most states."

Perhaps the only serious public controversy that has arisen with regard to sewage ponds is the question of odor. Opponents of the pond method insist that the ponds smell. When the Fayette pond was first built, a USPHS technician was put on 24-hour call and the townspeople were told that if they ever detected the slightest odor they were to summon him immediately. That was more than four years ago—and he has never been summoned.

* * *

Actually a pond will give off odor only under unusual circumstances. A quick spring thaw may cause the ice on a pond to suddenly release gases which have accumulated during the winter, and which ordinarily would have seeped off gradually in undetectable quantities. Or a pond may be incorrectly constructed or badly located. A pond should be from three to seven feet deep, circular or rectangular in shape, and constructed in an area where the earth has a normal amount of clay in it to prevent excessive seepage. And it must be situated where it will get both sunshine and wind: sunshine to produce oxygen and wind to keep the water circulating so that the dissolved oxygen will be thoroughly dispersed throughout the pond.

In deference to the groundless fears which many people still have about

sewage ponds, most states recommend that they be located at least a quarter of a mile from the nearest dwelling. Yet USPHS biologist Dr. Joseph Neel reports numerous instances where ponds have been built within 100 yards of a home, church, school, office building, factory, drive-in theater or trailer-camp, and where there has never been any problem of either odor or pollution.

Officials at the USPHS Research Center in Cincinnati seem to feel that "the pond wagon is just beginning to roll. And that more and more people are getting ready to climb aboard." Commercial plants, for example, such as produce houses, poultry dressers, meat packers, dairy plants, commercial laundries and other "sewered" industries, are now discovering that sewage ponds can do the same low-cost and efficient job of treating industrial waste that they do with human waste.

Sanitation authorities are pretty well agreed that sewage ponds are due to play an increasingly important role in our national sewage disposal picture. Says Glen Hopkins, "These ponds are making adequate sewage treatment possible in countless areas throughout the country which heretofore have not been able to afford this basic public health facility. In doing so they are not only materially raising the health standards of the entire country but they are also helping to solve one of our most critical national problems—the conservation of countless billions of gallons of water which previously were being rendered unusable and even dangerous because of pollution by human or industrial waste."

Maze of Governments III

A national intergovernmental relations policy and a broad plan to meet future needs urged.

By W. BROOKE GRAVES*

BELIEF in democratic institutions and in our federal system of government constitutes an important item in the American credo. There is ground for reasonable doubt, however, whether as a nation we can preserve the one or strengthen the other without strong and effective institutions of state and local government. Many thoughtful persons in both public and private life are giving more serious attention to these matters than ever before. They are gradually coming to realize that the policy of drift, improvisation and "make-do" in dealing with questions involving intergovernmental relationships is no longer to be tolerated. They realize that the nation stands in urgent need of a national policy on intergovernmental relations, with an appropriate agency or agencies to implement such a policy and make it effective.

Because of the nature of our federal system much, but by no means all, of the responsibility for leadership falls to the central government,

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while state and local governments share the responsibility for establishing and maintaining suitable governmental programs and agencies and for making these agencies operate effectively in carrying out joint or cooperative relationships.

Such a program for the immediate future is outlined here. Conceivably, it might find a place on the agenda of the Commission on Intergovernmental Relations, as this body seeks to provide implementation for a national policy in this important field. Its structure follows along the lines proposed in H. R. 8478, introduced in July 1959 by Representative Ken Heckler of West Virginia. In this bill there is presented in one package, so to speak, for the first time, the basic elements of a national policy¹ and the implementation necessary for carrying it out. Here is the import of H. R. 8478:

The program is by intention and

¹ At least two national organizations have adopted national policy statements in this field, formulated with the problems and needs of their own particular governmental units in mind. Recommendations involving intergovernmental relations constitute an important part of these programs of the American Municipal Association and the National Association of County Officials. The AMA aims are to be found in its *National Municipal Policy*, which may be amended or added to by the organization's national convention, the American Municipal Congress. Similarly, the *American County Platform* is adopted and kept up-to-date by the national convention of the National Association of County Officials.

design broad and far-reaching in scope, consisting of several elements each interrelated to the others and each essential to the program as a whole. These elements are: (1) declaration of policy, (2) an annual report by the President on intergovernmental relations, (3) a council (or commission) on intergovernmental relations, (4) an intergovernmental reference service, (5) a joint congressional committee on intergovernmental relations, (6) establishment of active state commissions on intergovernmental relations. Although there is much that could be said in explanation of and justification for each of these elements, the comments which follow have been kept brief.

Declaration of Policy

The significant point in connection with the declaration of policy is that the Congress should itself recognize the need for a national policy and that it should undertake to formulate and adopt such a policy. The following, which appears as a portion of the preamble of the Heckler Bill, is submitted as a clear statement of an appropriate policy:

The Congress hereby affirms its conviction that strong and effective institutions of state and local government are essential both to the preservation of democratic institutions in this country and the strengthening of the American federal system of government. It recognizes its responsibility for providing assistance with respect to those aspects of federalism, and of intergovernmental relations at the national level, which the individual units of government are not in a position, by their own efforts, to supply for themselves. . . .

The Congress therefore declares that it is the continuing policy and responsibility of the federal government to use all practicable means consistent with its needs and obligations, and other essential considerations of national policy, to assist and encourage the smooth and effective operation of the American federal system and to encourage cooperation between and among its several levels and units of government—national, state, and local—and the coordination of programs affecting such levels and units.

President's Report

In 1946 the Congress passed the Full Employment Act one important provision of which called for an annual report by the President on the condition of the economy, with appropriate recommendations for legislative action. Since the condition of the government and its major problems are, like the condition of the economy, matters of major importance to the American people, it is proposed that the same procedure be applied in the one case as in the other. All formal pronouncements of the President get nation-wide coverage. They receive and should receive the attention and consideration of citizens throughout the land. It is submitted that the problems of American federalism are important enough to deserve the continuing attention of the nation's chief executive and of all citizens.

National Advisory Body

Mention has already been made of the newly established permanent non-partisan national Advisory Commission on Intergovernmental Rela-

tions.² Such a body has long been needed, but some doubts were expressed about the act in the form in which it was presented and passed.³ Nevertheless, the measure was passed and signed by the President. Its members have been appointed and the new agency has been organized with able leadership.⁴ It is now entitled to an opportunity to demonstrate what it can accomplish.

With this commission established and functioning, it may well be that neither a federal department of urban affairs nor a national study commission on metropolitan problems is needed. There is a sharp difference of opinion among urban-minded people regarding the desirability of a federal department or what specific duties would be assigned to it if established, since many

of the most pressing problems of urban areas are not peculiar to such areas.⁵ With suitable provision made for dealing with these problems, such as the commission now provides, the main arguments of the supporters of this legislation lose much of their force. Nor is it clear that, under these circumstances, there is much that a national study commission on metropolitan problems could do that is not already being done (or that could not be done) by the commission and the proposed Intergovernmental Reference Service.

Reference Service

The historians and political scientists of this country have long been guilty of an inexcusable neglect of state and local government and politics. When political science began to emerge as a separate discipline, many were too preoccupied with national institutions and with the study of the federal constitution to be able to give much attention to state and local affairs. Lord Bryce, certainly an understanding and sympathetic student of the American scene, took us to task for this almost three-quarters of a century ago, when he said:⁶

American publicists have been too much absorbed in the study of the federal system to bestow much time or thought on the state governments. . . . Yet they are full of interest and he who would understand the changes

² At least two variations of this proposal have recently been presented. Robert H. Connery and Richard H. Leach suggested in this REVIEW a council on metropolitan problems to provide the President with information on the problems of the expanding urban areas. See "U. S. Council on Metro," June 1959, pages 292-297. The other was that contained in the Heckler bill calling for a small, compact council of five members, representing the federal, state, municipal and county units, respectively, with an impartial chairman. It would be geared into the Executive Office of the President in a manner somewhat parallel to the Council of Economic Advisors established by the Full Employment Act.

³ It was urged that the commission was much too large for efficient operation and that it was not anchored anywhere in the governmental structure. One observer stated that it had been established "in an administrative limbo without attachment to any organizational element of the federal government." Its powers and duties were not very specifically defined.

⁴ For the text of the remarks of Chairman Frank Bane at the organization meeting see "An Uncharted Sea," NATIONAL CIVIC REVIEW, March 1960, pages 118-119, 149.

⁵ For a strong plea for such a department see "A New Cabinet Post?," by William L. C. Wheaton, NATIONAL CIVIC REVIEW, December 1959, pages 574-578. For an opposing point of view see Connery and Leach, op. cit.

⁶ *The American Commonwealth*, 2nd Edition, Revised, Vol. I, pages 399-400. Macmillan, London, 1891.

that have passed on American democracy will find far more instruction in a study of state government than in that of the federal constitution.

Bryce bemoaned the fact that "the materials for such a study are unfortunately, at least to a European, either inaccessible or unmanageable." Like Professor Herman V. Ames, he concluded that to be able to use them "one must go to the state and devote one's self to these original authorities." He was critical, too, of American scholarship because only antiquarian and geneological state histories had been written, not political histories.

Progress in the state documents field has been made, to be sure, thanks to the significant work of Professor William S. Jenkins in the State Documents Microfilming Project, carried on under cooperative arrangements between the University of North Carolina and the Library of Congress, and to the subsequent effort to establish regional document centers. Despite these advances, and some indication of a greater interest in state and local problems on the part of individual scholars, there is still a critical lack of basic research in this area and a lack of current information necessary for the effective operation of the institutions of state and local government.

There is abundant evidence to the effect that great numbers of state and local government officials are operating under a severe handicap—the handicap of inadequate information. No matter how sincere and conscientious they may be in their attempt faithfully to perform their duties, they find their efforts thwarted

time after time or their jobs made unnecessarily difficult by the lack of information essential to the making of policy decisions on a sound and defensible basis—as Senator Vance Hartke has pointed out. To meet this need the senator has proposed establishment of an intergovernmental reference service providing for executive and legislative officers at all three levels—national, state and local—a research and consulting service roughly equivalent to that which the Legislative Reference Service has long provided for the Congress on national and international problems.

The new intergovernmental reference service would be a great national clearing house for documents and materials, research and information on questions relating to state and local government, law and administration. The service would be responsible for the performance of three separate but closely related types of activity. It would for the first time undertake to assemble comprehensive, if not complete, collections of county and municipal reports, documents and materials, supplementing the already extensive collections of state materials in the Library of Congress. In this connection consideration might well be given to a new Local Government Documents Microfilming Project—similar to and parallel with the earlier state project—to be carried out on a cooperative basis between the federal government and states.

This would correct an almost unbelievable indifference that has long existed in this country to the collection and preservation of important local governmental records. Up to

this time there is no single place at which such a collection is available, with the result that government people and scholars must still visit a number of small and widely scattered collections at a great waste of time, money and effort. Provisions for such a service are contained in both S. 2295 (Hartke) and H. R. 8472 (Heckler).

While it is important that such materials be collected, as Senator Hartke pointed out when his bill was introduced in June 1959, it is equally important that there be on hand a professional staff to work with them after they are collected, making analyses, discerning trends and new developments, identifying emerging problems and possible sources of difficulty in the future. The staff would include a group of top level specialists in the various phases of state and local government, such as administrative organization and management, taxation and finance, intergovernmental fiscal relations, judicial organization and administration, legislative organization and procedure, community development; planning, zoning and land use; and metropolitan area problems—to mention only a few.

The specialists would be assisted by an appropriate group of junior staff members and secretarial assistants. They would not supplant in any way the existing state and local research agencies, which would continue to be responsible for the work they have been performing. The new agency would rather make studies of national scope—which local research agencies cannot be expected to perform.

Finally, the new agency would

seek to promote cooperation and coordination among the various levels and units of government, working with both public and private agencies in the performance of this important function. As Senator Hartke said at the conclusion of his remarks when he introduced his bill:

When so much of the effectiveness of present-day government is dependent upon up-to-date and authentic information and good staff work, and upon the maintenance of smooth working relationships among the various levels and units of government, I feel that this bill has much to commend it to the serious and careful consideration of the Congress.

The establishment of such an agency raises many difficult questions. Where should it be located in the federal structure? Should it be set up as an independent agency? Should it be located in the Division of Governments in the U. S. Bureau of the Census, which already possesses an important collection of local government materials, or in the Library of Congress, which has an extensive collection of state documents? The last solution was the one proposed in S. 2295 and H. R. 8478. What should be the relations of this agency with the specialized libraries in the operating departments and agencies? How shall the use of the new service be safeguarded against possible abuse through requests for types of assistance that the local people themselves should provide? Such questions may be troublesome but no more so than have had to be solved in connection with the establishment of other new governmental activities. These, too, can be solved.

Joint Committee

It would avail little to adopt the several elements in the proposed program already noted—the annual report by the President; the permanent national nonpartisan advisory body to consider, discuss and recommend; an agency to collect materials and provide a research and consulting service—if there were no certain means of getting the findings of the research and the recommendations of the President and advisory body before the duly elected representatives of the people for their consideration and for such action as they may find necessary or desirable.

Again, following the precedent of the Full Employment Act and other legislation and in accordance with the current thinking of many people and a number of interested national organizations, it is proposed that there be established in the Congress a joint committee on intergovernmental relations to make a continuing study of matters relating to the President's report, to study means of coordinating programs in order to further the policies set forth in the declaration of policy, and to serve as a guide to the several committees of the Congress dealing with legislation relating to or involving the intergovernmental relations report by making their findings and recommendations available for the use of such committees.

While there may be reasons for questioning the desirability of adding to the number of joint committees, it may be noted that abundant precedent exists in other subject matter areas of major importance or of great current interest. Among these may be mentioned the Joint Committee

on the Economic Report, the Joint Committee on Atomic Energy and the Joint Committee on Internal Revenue Taxation. Certainly the governmental problems of the nation are not less important than these or less deserving of the continuing attention of a joint committee of the Congress.

Since the Legislative Reorganization Act of 1946 gives the Government Operations Committees of the Senate and House jurisdiction over intergovernmental relations, it may be necessary to amend that act in order to clear the way for establishment of the joint committee here proposed. Inasmuch as the present subcommittee chairmen would presumably become alternately chairman and vice chairman of the newly established joint committee, this should not be too difficult.

State Commissions

Up to this point all the elements in this program have been dependent upon federal leadership and federal action. The federal government alone, however, cannot do the job. The program to strengthen American federalism and improve its effectiveness cannot succeed unless the state and local governments move with efficiency and dispatch to discharge their responsibilities. If the federal government offers real cooperation with state and local governments and establishes a mechanism through which cooperation may be made effective, the least the state and local governments can do is to stop their grumbling and complaining and offer full cooperation in return.

How shall state and local governments cooperate? The truth of the

matter is that at this moment the states are no better prepared to give full cooperation in such a program than is the federal government. True they must, under the terms of their membership and participation in the Council of State Governments, establish and maintain a state commission on interstate cooperation. In most cases these commissions are composed of fifteen members—five each from the senate, the house and from the executive branch. Few of these commissions have seriously attempted to do the 'job they were established to perform. Many suffer from malnutrition and have either inadequate leadership or no leadership at all. In only a few states—and among these, New York stands out conspicuously—have both adequate funds and effective leadership been provided.

These commissions should be reorganized and rejuvenated so that they will be in a position to cooperate effectively with the new federal advisory commission. A few have enlarged their outlook and the scope of their activities to include the whole field of intergovernmental relations. All of them should do so as promptly as the schedule of legislative sessions will permit. Competent leadership and financial support, sufficient to permit employment of a staff to perform at the state level the same type of research and coordination on state and local problems that the federal agencies here proposed would undertake at the national level, should be provided for them.

A few states—notably Alaska, New Jersey, New York, North Carolina and Pennsylvania—have departments or other agencies responsible for performing functions of super-

vision and assistance to their local units. In 1959 the New York legislature adopted new legislation designed to strengthen this activity. No state can rightly plead for exemption from such a program, for every state from the largest to the smallest in area, in population, in wealth and resources, whether primarily agricultural or industrial, has pressing problems requiring intergovernmental action.

Conclusion

We close the presentation of this program with two brief comments. The first is that the basic problems with which we are here concerned are just about universal among governments whether federally organized or unitary. In recognition of this fact, governments in many other countries long ago established central departments of the interior or of internal affairs to deal with them. Such machinery is needed in this country but so far little has been done toward providing it.

In the second place, it may be argued that this broad program will cost money. Of course, it will require financial support but, when considered in relation to the extent of our country, the size of our population, the total annual output of the economy, the outlay will be extremely small. The question is not whether as a nation we can afford to pay the bill; it is rather whether, if we want to retain our established form of government, we can afford not to pay it. Certainly the nation's resources are more than ample to provide for whatever governmental programs and services are needed to enable the nation to discharge its responsibilities both at home and

abroad. An economy expanding in a manner that would have been considered fantastic a hundred years ago should make this possible.

When one crisis follows another in rapid succession—as it has since early in the present century—we cannot afford to declare one moratorium after another on civic progress. We can scarcely hope to succeed in strengthening democratic ideals and institutions in far-away places if we permit them to languish and become ineffective at home.

The late Professor Charles E. Merriam, writing on postwar planning in the *NATIONAL MUNICIPAL REVIEW* nearly twenty years ago,⁷ observed that the new city would “not be built by timid tinkering with old models but will be part of a new streamlined civilization built on a modern model.” He concluded with the words of Daniel H. Burnham, the pioneer planner: “Make no small plans. They have no magic to stir men’s blood.”

In the field of intergovernmental relations today we have had enough “small plans” and enough “timid tinkering with old models.” The time has come for a broad plan, conceived with foresight and imagination, in keeping with present and foreseeable future needs, and so implemented—in so far as possible—as to insure its effectiveness.

⁷ “Make No Small Plans,” February 1943, pages 63-67.

CITIES WITH HANDS TIED

(Continued from page 350)

which would survive judicial scrutiny and overcome the deep-seated legal bent against municipal autonomy. What is needed, they agree, is the re-education of our lawyers.

The gravity of the problem cannot be overstated. Local government plays a vital role in our lives. It can be healthy only if it is free. And to no small degree upon the freedom of our cities rests the freedom of our land. This is a lesson which history teaches and which we constantly overlook. For as Arnold J. Toynbee recently observed:⁵ “One cause of the fall of the Roman Empire was the decay of local self-government.”

And as Thomas H. Reed, one of the wisest scholars and municipal government administrators, put it:⁶ “Capacity for self-government can be acquired only by the practice of self-government and capacity for local self-government is the only safe basis for the great democratic state.”

Our law schools have a great obligation in this important area. It is through them that there must come a reappraisal of the doctrines which lie at the basis of the failure of home rule in our nation.

⁵ “Lessons for Us from Athens and Rome,” *New York Times Magazine*, January 31, 1960.

⁶ *Municipal Government in the United States*, D. Appleton-Century Co., New York, 1934, page 146.

Letters to the Editor

Reapportionment

To the Editor of the

NATIONAL CIVIC REVIEW:

Robert Friedman's "Reapportionment Myth" (NATIONAL CIVIC REVIEW, April 1960) contains much irrelevant data and several unwarranted conclusions which, if unchallenged, might well give rise to several new "myths" on a subject where many already abound. Because the extent and significance of unequal representation are not fully realized, even by many well informed persons, erroneous ideas in this area are particularly unfortunate.

The article's chief thesis is that while cities still are not equitably represented relative decreases in city populations have made the under-representation less severe. Therefore, he concludes, city office-holders should do less talking about under-representation and should direct their attention to other problems.

The notion that cities are less severely under-represented is based on comparisons between the percentage of a state's population living in a city in 1959 and the city's percentage of seats in the legislature, but such comparisons are as irrelevant as dividing eight apples by seven onions. The current distribution of seats in most legislatures is based on the 1950 census. The degree of inequity, therefore, can be determined only by comparing a city's representation with its 1950 population—not its 1959 population. It will not be possible to determine whether the population movements of the last decade have made representation more or less unfair until after the post-1960 distribution of legislative seats.

There is no reason to believe that these distributions will be any more equitable than the post-1950 ones were, for hardly any states have revised the constitutional formulae on which the apportionment laws are based. Furthermore, even if one accepted the suppo-

sition that the inequalities had become somewhat less severe, it would not therefore follow that unfair representation is no longer a significant problem. The evil of unequal representation merits far more public attention than it has received for an overwhelming proportion of its victims are not only unaware of its significance but of its very existence.

* * *

Advocates of fair representation do not suggest that other problems be ignored nor do they look upon representational equality as a panacea. They do point out, however, that this problem affects every other problem and they consider it perfectly proper—indeed highly desirable—for city office-holders to remind the public as frequently as possible that the ability of cities to deal effectively with many of their problems is severely limited because legislatures are dominated by artificially-contrived rural majorities. Equal representation would not automatically solve all urban problems but it would make it possible for cities to move toward effective solutions—along roads now blocked by short-sighted but powerful rural politicians. Today, the political cards are stacked against America's metropolitan majorities. Fair representation advocates seek only an unstacking of those cards.

Dr. Friedman points out that no single city is entitled to a majority of the seats in any legislature, and he speaks of a "magic 51 per cent" as if a city can achieve its goals only if it has by itself an absolute legislative majority. In most states, however, the combined populations of several cities and metropolitan areas are the majorities. Under fair representation formulae, they would collectively have the number of seats to which their populations entitled them and their representatives would, therefore, be the legislative majorities.

Though the author discusses them as

separate phenomena, urban and suburban under-representation are but two parts of the same problem, for suburbs are simply the extensions of cities beyond existing political boundary lines. Had the boundaries of New York City not been extended in 1898, would The Bronx or Queens have "suburban problems" today rather than "urban problems"? The increasing severity of suburban under-representation simply means that many people who formerly lived inside city lines and were under-represented now live outside city lines and are still under-represented! The existing apportionment formulae in most states are designed to operate against any areas with dense populations—not just against the core cities.

In New York, for example, under the post-1960 distribution of Senate seats, suburban Nassau County, because of its greatly enlarged population, will for the first time become adversely—and severely—affected by a constitutional provision which has heretofore operated only against New York City and Buffalo. Barring revision of the representation procedures, most metropolitan areas will become ever more—not less—severely under-represented as their populations grow. And they are growing! Consider, for example, the four areas cited by Dr. Friedman.

New Orleans and Jefferson Parish grew from 25 per cent of Louisiana's 1950 population to 27 per cent of its 1959 population. St. Louis City and County increased their share of Missouri's population from 32 per cent to 35 per cent in those nine years. (Together, they elect 17 per cent of the lower house membership!) Baltimore and the suburban counties listed in Dr. Friedman's table had 72 per cent of Maryland's 1950 population and 75 per cent of its 1959 population. (They elect 34 per cent of the Senators!) The decrease in the percentage of New York State's population living in New York City and the three

suburban counties listed in the table (from 64 per cent to 63 per cent) is attributable only to the fact that this metropolitan area includes several rapidly growing counties outside New York State.

The contention that cities are no longer the chief victims of under-representation is an invalid generalization apparently based on evidence limited to the four areas which Dr. Friedman chose to include in his table. While New York, Baltimore, St. Louis and New Orleans are decidedly under-represented under the post-1950 apportionments, they are not typical for they are not nearly as badly under-represented as most other major cities. Had such outrageously under-represented cities as, for example, Seattle, Birmingham, Miami, Memphis, Atlanta or Houston, been included, Dr. Friedman could not possibly have drawn the conclusion he did. Because under-representation was less severe in his four cities to begin with, the conclusion is drawn that population movements have made suburbs more severely under-represented than the core cities. Though suburban under-representation is becoming more severe, its severity does not yet equal that of most major core cities.

* * *

Dr. Friedman appears to believe that "reasonable representation in at least one house" more or less compensates for "unreasonable" representation in the other, but a fair distribution of seats in just one house of a bicameral legislature is virtually valueless for an adverse vote in either chamber can block legislation. Equality in one house is not "half a loaf." It is hardly more than a few crumbs! (It may be argued that, conversely, equitable representation in one house enables metropolitan legislators to prevent passage of legislation favored by rural representatives, but on most substantive issues it is metropolitan legislators who propose and rural lawmakers

who oppose. The needs of growing metropolitan areas generally require positive action whereas the rural position is most often negative in nature.)

Dr. Friedman's conclusions are self-refuting. He advocates "meaningful home rule" as a more realistic goal than fair representation but then points out that home rule, where granted, has been so restricted as to make it virtually meaningless, and that in New York City, for example, the legislature has imposed "limitations on revenue sources . . . so restrictive as to place it [the city] at the mercy of state authorities." Barring changes in the composition of the legislatures, however, what reason is there to assume that it will be any more possible to obtain "meaningful home rule" in the future than in the past?

The author also suggests "additional efforts . . . to develop distributions of state funds to localities which take into account mushrooming city needs." One wonders what he believes is responsible for the legislatures' present failure to take such needs into account! The belief that "intelligent cultivation of legislative leaders can overcome rural numerical majorities" is highly unrealistic in the light of past failures, but perhaps the most startling proposal is "direct entreaties to the governor," for Dr. Friedman surely cannot be unaware of the innumerable times that fair-minded governors—elected by real majorities—have been blocked at every turn by legislatures under the control of "engineered" majorities.

Unequal representation requires more, not less, public attention. Its importance

has not been overstated. Indeed, it cannot be emphasized enough, for our representation systems directly determine the character of our legislation. There can be no valid reason to stop seeking fair representation until it has been achieved. Until then those concerned with the welfare of the nation's cities do their cause no service when they engage in unwarranted criticism of those far-too-few civic leaders who recognize that unfair representation is perhaps the most outrageous abridgment of democracy in America today.

DAVID I. WELLS

Assistant Director, Political Dept.

International Ladies'

Garment Workers' Union

Flood Control

To the Editor

NATIONAL CIVIC REVIEW:

Peter Farb's article on "Plan the Damage" (the REVIEW, May 1960, page 238) is an excellent piece of work in pointing out a national problem which deserves attention from many municipal officials.

It does not refer to one major effort to deal with the problem: the cooperative work of the Tennessee Valley Authority, state planning commissions and city agencies in the Tennessee Valley area. More progress toward intelligent regulation of flood plain use has been made there than in any other part of the country.

GILBERT F. WHITE

Department of Geography
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News in Review

City, State and Nation

H. M. Olmsted, Editor

N. J. Assembly Must Be Reapportioned

High State Court Says
Constitution Is Ignored

THE New Jersey Supreme Court on June 6 decided that the 60-member Assembly—the lower house of the legislature—must be conformed to the mandate of the state constitution requiring reapportionment after each federal census. This was last done in 1941; no action was taken after the 1950 census. Reapportionment, according to the constitution, must be on the basis of population—each of the 21 counties, however, being accorded a minimum of one seat.

Since 1941 Essex County (containing Newark) has had twelve seats and Hudson County (containing Jersey City) has had nine. These two counties in particular have blocked reapportionment, fearing losses of seats on the basis of the 1950 census—and still more on a 1960 basis. Preliminary 1960 census figures presage loss of possibly three seats in each of these counties.

A Monmouth County newspaper, *The Asbury Park Press*, filed suit two years ago, asserting that on the basis of the 1950 census Monmouth County was entitled to three Assembly seats instead of the two it had and has. It was suggested that election officials of certain counties could be directed to provide hereafter for election of more, or fewer, assemblymen than current legislation provides. A lower court dismissed the suit on the ground that the constitution places the duty of reapportionment on the legislature and that the judiciary cannot intervene. The Supreme Court, in a heartening decision, ruled unanimously that it has the right and the duty to require a

reapportionment, in accordance with the constitution.

The case is entitled *Asbury Park Press, Inc., et al. v. J. Russell Woolley, County Clerk of the County of Monmouth, et al.* The court's opinion, rendered by Justice Francis, made it clear that the apportionment of Assembly seats to counties was no longer in accord with the constitutional population requirement and struck down the argument that the court is without jurisdiction. It said:

The judicial branch of the government has imposed upon it the obligation of interpreting the constitution and of safeguarding the basic rights granted thereby to the people. In this sphere of activity the courts recognize that they have no power to overturn a law adopted by a legislature within its constitutional limitations even though the law may be unwise, impolitic or unjust. The remedy in such case lies with the people. But when legislative action exceeds the boundaries of the authority delegated by the constitution and transgresses a sacred right guaranteed to a citizen, final decision as to the invalidity of such action must rest exclusively with the courts. It cannot be forgotten that ours is a government of laws and not of men, and that the judicial department has imposed upon it the solemn duty to interpret the laws in the last resort. However delicate that duty may be, we are not at liberty to surrender, or to ignore, or to waive it. . . .

If by reason of passage of time and changing conditions the reapportionment statute no longer serves its original purpose of securing to the voter the full constitutional value of his franchise, and the legislative branch fails to take appropriate restorative action, the doors of the courts must be open to

him. The lawmaking body cannot by inaction alter the constitutional system under which it has its own existence.

The court noted that the 1960 census is nearing completion and refrained from a positive ruling on the constitutionality of the present distribution of seats; but the legislature was, in effect, directed to reapportion on the basis of the new census before the April 1961 primary election.

The court retains jurisdiction. It stated, "In the event that reactivation of the proceeding is sought, any additional evidence, and particularly such new computations as appear necessary, may be added to the record by the parties." Arguments on interpretations and remedies are also invited.

The opinion cites a large number of instances of court action involving apportionment and related legislative matters. The 1946 U. S. Supreme Court case of *Colegrove v. Green*, 328 U.S. 549, arising from Illinois, was referred to as "not to the contrary, for there no mandatory requirement of a state constitution for apportionment was involved."

Democrats, who control New Jersey's Assembly, propose a reapportionment on the basis of 67 members, so that Essex and Hudson might lose only two seats each. Bergen, a growing northern metropolitan county, would stand to gain two seats and Monmouth also two seats.

The Senate is constitutionally composed of one member per county and is thus not subject to periodic reapportionment. County populations vary in a maximum ratio of 27 to one.

Golden State to Vote on Senate Reapportionment

An initiative petition to place on the November ballot a constitutional amendment to reapportion California Senate districts in a more equitable way than

at present has obtained 621,398 signatures—some 50 per cent more than the minimum requirement—and is reported to have qualified for the November ballot.

California's Senate is now, by constitutional limitations, so constituted that 12 per cent of the population in certain small northern counties have enough seats to make a majority. Frank G. Bonelli, chairman of the board of supervisors of Los Angeles County, has devised a plan, as a proposed constitutional amendment, which provides twenty senators for the northern 40 per cent of the population and twenty for the southern 60 per cent, naming the counties to comprise each senatorial district. At present 45 northern counties with six million inhabitants have 28 Senate seats while the thirteen southern counties, with nine million inhabitants, have twelve seats.

Los Angeles County, with six million people, now has one senator (the maximum permitted any county). The Bonelli plan gives it seven; on a strict population basis it is entitled to sixteen.

The proposal has met with strong opposition not only from the northern counties but also from many in the south, including San Diego County, which fears that a controversy over apportionment will cause defeat of a plan involving a bond issue of \$1,750 million which includes funds for diversion of water from the northern half of California for the benefit of the dry southern part.

Constitutional Convention Sought in Massachusetts

A citizens' committee has been formed in Massachusetts for the purpose of placing on the 1962 ballot a referendum question calling for a convention of popularly elected delegates to modernize the state's 180-year-old constitution. The committee took form at a meeting in Boston's historic Faneuil Hall on May

20, called largely through the efforts of Secretary of State Joseph D. Ward and attended by over 200 representatives of business, labor, education, law, the clergy and the press. Bipartisan co-chairmen were Secretary Ward, a Democrat, and Augustus G. Means, a Republican member of the Governor's Council. It was addressed by Governor Foster Furcolo, former Governor Alfred E. Driscoll of New Jersey and John E. Bebout, assistant director of the National Municipal League and a consultant in the drafting of the modern constitutions adopted by New Jersey and Alaska.

Circulation of a petition calling for a constitutional convention is planned to begin late in 1960 after the state election, according to Jerome L. Rappaport, a member of the steering committee established as a result of the meeting. He stated that 100,000 signatures will be sought, based on 3 per cent of the vote for governor, and that the petition will be submitted to the legislature elected this fall. If the legislature complies, the question of a convention could be placed before the voters. If the legislature fails to act, additional signatures would be sought in an effort to force a vote at the November 1962 election.

Opponents of the move assert that there is no constitutional authority for placing the question of calling a constitutional convention on the ballot by initiative petition.

Governor Furcolo supports the idea of a convention. He attempted to call a joint session of the two houses of the legislature to consider legislative amendments to the constitution but his effort was ruled too late to meet constitutional requirements for such a session. The legislature had killed proposals for a convention.

Mich. Debates Constitution Convention, Apportionment

The calling of a constitutional convention ("con con"), the basis for elect-

ing convention delegates and the closely related question of state Senate reapportionment are burning issues in Michigan today.

At a state election in 1958 the question of calling a constitutional convention received some 800,000 favorable votes to 600,000 against the call, but the favorable vote was held to be insufficient—being less than a majority of the voters at the election as a whole. The ruling was carried to the state's Supreme Court,¹ which on February 25, 1960, upheld the ruling and thus decided against a convention. One justice, Eugene Black, contending that the court had been too leisurely, filed a vigorous preliminary opinion on January 5 declaring that the vote justified the calling of a convention.

Meanwhile petitions looking to the calling of a convention on a more democratic basis than under existing procedures were being circulated by the state League of Women Voters and Junior Chamber of Commerce.² The two organizations decided early in the year to do so as a joint project. Nearly 300,000 signatures are needed for the petitions which must be filed with the secretary of state by July 8.

The petitions seek submission of a proposed constitutional amendment to the people at the November 1960 election, which would place the election of delegates on the same basis as election of senators and representatives and permit decision of the question of calling a convention by the majority of those voting on the question; the call for a convention then to be on the ballot in April 1961.

Under present provisions three convention delegates would be elected from each senatorial district for a total of 102 delegates. Under the proposal there would be 144 delegates—34 from Senate

¹ See the REVIEW, October 1959, page 468.

² See the REVIEW, February 1960, page 87; also page 391, this issue.

districts and 110 from House districts. The Senate seats have been apportioned on an area basis rather than on population since 1952 when an amendment to that effect was adopted. At present this heavily favors rural as against urban areas and Republicans as against Democrats.

The LWV-JCC proposals, which would ease the situation by including the House (supposedly elected on a population basis) along with the Senate in providing the basis for electing convention delegates, have fairly wide support, including that of Governor G. Mennen Williams, but also has strong opposition including the Farm Bureau and important elements of organized labor. A leading opponent is August Scholle, president of the state AFL-CIO, who contends that the proposals do not go far enough and that reapportionment of the Senate on the basis of population is essential. He brought suit to void the present Senate apportionment as violating constitutional guarantees of due process and equal protection of law and to have the next Senate election at large if the legislature does not redistrict by population. On June 6 the Supreme Court decided the case adversely five to three.

California Legislature Studies State Organization

Two closely related studies of the organization of the executive branch of California's state government, with recommendations for reorganization, are before the state legislature for study and possible action in 1961. They were submitted to the legislature by Governor Edmund G. Brown in April 1960 for its consideration.

One is the final report of the Committee on Organization of State Government appointed by Governor Brown in February 1959, *The Agency Plan for California* (66 pages). The other is the

Report to the Governor on Reorganization of State Government (184 pages) by the "Task Forces." These consist of management-level state personnel organized at the request of the governor to study preliminary recommendations for reorganization that had been put forward in September 1959 and had been discussed at a conference of key officials held September 10 and 11 at the University of California at Davis.

The plan of organization set forth in the final report of the committee groups most of the existing state departments, boards and commissions into eight agencies with the following designations: revenue and general services, employment relations (commerce and labor), health and welfare, public safety, public works, business and professions, resources, and youth and adult corrections. In addition there would be a relatively small executive department in the governor's office. The elective and appointive constitutional offices (seven individuals, including the governor, and four boards or commissions) are retained, but the committee recommends that some of their statutory responsibilities be transferred to the proposed agencies. The plan eliminates some 38 non-constitutional boards and commissions out of a total of more than 160; it consolidates others and places virtually all such boards and commissions in agencies.

The executive department would be headed by an executive officer to be appointed by the governor and would be staffed by career specialists in management, budgeting and planning. It would consist of five component units, on budget, program, physical planning, economic development, and management and organization; also a consumer counsel and an atomic coordinator.

The committee did not recommend immediate constitutional organizational changes but urged that future consideration be given to constitutional changes to increase the effectiveness of

the executive branch, including appointment of the state treasurer (now elected) by the governor; abolition of the office of secretary of state with transfer of its functions to an appropriate executive agency; restricting the elective controller to post-audit duties; and restricting the appointive State Personnel Board to appeals, rule-making and investigation, the management of the civil service system to be transferred to an executive agency.

The report was signed by six members of the committee but not by the chairman, Bert W. Levit, formerly director of finance. He dissented on the score that the Department of Finance would be "disintegrated and destroyed."

The report of the task forces presents the same general plan, which it discusses in considerable detail and differs with in minor respects. Recommendations of nine separate task forces, in fields corresponding to the proposed eight agencies and the executive department, are presented, and a somewhat revised general plan, devised by an executive committee of the heads of the nine task forces and a chairman, Don B. Leiffer, research secretary to the governor, is set forth.

As to the general agency plan, this report asserts that it would materially strengthen executive control over the operation of the state government. "In budget and fiscal management, for example, it reassigns the functions vested in the Department of Finance to those levels where they can be performed most effectively. Day-to-day administration of fiscal matters is assigned to the agencies who have the program responsibility for which the funds were appropriated; service functions which are statewide in nature are assembled into the general services department; control functions are moved upward to the highest policy and management levels in state government where they belong."

The task forces estimate that the proposed agency plan can result in a net

saving of from two to five million dollars per annum.

Vermont Legislature Adopts Reorganization Proposals

The 1959 session of the Vermont legislature, which adjourned last June, reconvened in January 1960 and adjourned finally in February, adopted various measures dealing with organization of the executive branch, according to the Council of State Governments.

It established a Department of Administration with divisions of budget and management, finance, personnel, public buildings, public records and purchasing. A general reorganization act provides for organization of the executive branch into the offices headed by constitutionally elected officials and twenty administrative departments established by the act. In addition to renaming some existing agencies and in certain instances reassigning powers and duties, the new law attaches a group of interstate agencies to the governor's office. It also creates in the office of the secretary of state a division of registration, licensing and secretarial services, to which all licensing boards are attached.

The personnel law was revised to provide for a Personnel Board and a Board of Personnel Appeals as part of the new Personnel Division in the Department of Administration.

Legislative Councils Report Wide Activities

The legislatures of 28 states assigned 276 studies to their legislative councils or council-type agencies at regular or special sessions during 1959, according to the Council of State Governments. On their own initiative twelve of these councils, plus that of Illinois, adopted approximately 138 other research projects in the course of the year. The Connecticut and Wisconsin legislative councils

were assigned the greatest numbers of studies—40 and 26 respectively.

Nevada Legislature Holds First Even-Year Session

The 1960 session of the Nevada legislature was the first in even-numbered years, in compliance with a recently adopted requirement for annual sessions. An initiative petition last November sought reversion to biennial sessions¹ and, according to the Nevada Municipal Association, the question will be submitted to popular vote.

The session adjourned after 55 days. It considered some 435 bills of which 50 dealt with city government; a majority of the latter became law. A new joint committee on state, county and city affairs was established. A home rule measure passed the lower house with only one dissenting vote but was killed in the Senate judiciary committee. Permissive legislation to authorize formation of metropolitan areas was introduced but was held in committee for possible amendments.

Oregon Has TV Films On State Government

The Department of Educational Radio and Television of the Oregon higher education system has prepared a series of fifteen-minute black and white TV sound films on the services and operations of state agencies. Many of the films deal with recently adopted laws, giving information on their background, administration and impact on the citizen.

The films were first shown as a series of weekly telecasts by the state's publicly owned television station. They are available free to schools, colleges, churches, service clubs, local government meetings, TV public service programs, etc. Included in the series are films on various

state departments, bureaus and agencies, the state Supreme Court, the Tax Commission, the Board of Parole and Probation and the Board of Higher Education.

Alaskans to Vote on New Site for Capital

A proposal to move the seat of Alaska state government from Juneau to some more centrally situated point between Cook Inlet and Fairbanks will be voted on at the state primary elections August 9. This is the first initiative proposal to be placed on the ballot under provisions of the state constitution. It calls for selection by the governor of a five-man committee to pick such a site. The area in question includes the Alaskan railroad from Seward to Fairbanks via Anchorage.

Juneau, in the southeastern "pan-handle," is accessible from the main part of Alaska only by air and water, and the latter mode of travel is not available in winter. That section, however, is vigorously fighting the proposed move and Juneau is adding to its airport and other facilities.

Intergovernmental Group Adopts Work Program

At its third meeting held on May 25, the Advisory Commission on Intergovernmental Relations approved an initial work program which, it is estimated, will carry through the remainder of calendar year 1960 with some of the topics extending over a longer period. The specific topics selected are as follows:

1. Structure and Potential Improvement of the Real Property Tax (to be undertaken through outside resources already tentatively arranged for);
2. Revision of the Estate Tax Credit;
3. Investment of Idle Cash Balances by State and Local Units of Government;
4. Cooperative Tax Administration;
5. Development of Improved Measures

¹ See the REVIEW, April 1960, page 191.

of Fiscal Capacity and Tax Effort of State and Local Units of Government (long-range study to be undertaken when and if outside financial support can be developed);

6. Question of the Desirability of a Standard Provision for Incorporation into New Grant-in-Aid Statutes, Providing for Congressional Termination and Reappraisal after a Specified Lapse of Time;

7. Question of Substituting a Block Grant (or Fund Transferability) for Public Health Categorical Grants-in-Aid;

8. State Constitutional and Statutory Restrictions Upon Local Units of Government;

9. Intergovernmental Relations and Responsibilities with Regard to Education Beyond the High School;

10. Intergovernmental Relations and Responsibilities with Respect to Mass Transportation Facilities and Services in Metropolitan Areas.

(These are all studies by the commission staff except as otherwise noted.)

It was also agreed that the subject of federal administrative controls associated with federal grants-in-aid would be added to the work program at such time as completion of some of the foregoing would permit its inclusion.

Charleston Extends Boundaries—First Time in 111 Years

As a result of an election on May 9 in Charleston, South Carolina, and in a large area to the west across the Ashley River, two out of six areas into which the western territory was divided are being annexed to the city. The city proper (70,000 population) voted overwhelmingly (5,216 to 600) for the annexation; the vote in the larger of the two areas was 583 to 419 and in the other 245 to 201. The six areas are in a portion of Charleston County known as St. Andrews Parish. The vote in all

six was 1,872 for annexation and 2,224 against.

The two contiguous areas approving annexation have a population of about 8,000 and an area of about five square miles—almost as much as the present area of Charleston, the boundaries of which are reported to have remained the same since 1849. The two new sections include the main business and shopping districts of St. Andrews Parish and substantial residential areas. The areas voting against annexation will continue to be served by the St. Andrews Parish Public Service District Commission.

Merger of one sort or another in the metropolitan area of Charleston has been "in the news for 30 years" but has never come to a vote before.

The annexation climaxes a four months' intensive campaign by Charleston's young and energetic Mayor J. Palmer Gaillard, Jr., who had also urged annexations in his pre-election campaign last summer.

Council-Manager Plan Developments

Two new cities in CALIFORNIA—COMMERCE AND LAWNSDALE, with populations given as 8,600 and 5,000 respectively—have recently adopted the council-manager plan by ordinance, according to the International City Managers' Association.

GUYMON, OKLAHOMA, (4,718) voted 312 to 265 on May 17 to change from the statutory aldermanic form of government to the statutory council-manager plan, to become effective in May 1961.

CHANDLER, ARIZONA, (3,799) has been reinstated in the ICMA's council-manager list.

UPPER ST. CLAIR TOWNSHIP, ALLEGHENY COUNTY, PENNSYLVANIA, (3,629) has adopted the council-manager plan by ordinance.

COMANCHE, OKLAHOMA, (2,077) voted on May 31 to become a city under the

statutory council-manager plan, effective as soon as the governor announces the fact. The vote was 282 to 157.

VICTORIA, VIRGINIA, (1,607) has adopted the council-manager plan by ordinance.

TENNESSEE RIDGE (350) has incorporated under the council-manager law of TENNESSEE.

The charter commission of LONG BRANCH, NEW JERSEY, has recommended the council-manager form of government for that city and predicted savings of \$100,000 or more per annum. The voters will act on the recommendation at the November election. The plan proposed includes a council of nine, six elected by wards and three at large.

The voters of CAYCE and WEST COLUMBIA, SOUTH CAROLINA, will pass on the question of consolidation at a referendum on September 27; if the decision is affirmative, consolidation will take effect 90 days thereafter. It is specified that the council-manager plan will be used. Cayce already has such a plan. A new name will be chosen at the election.

Petitions for a special election in GRANITE CITY, ILLINOIS, on the question of adopting the council-manager plan have been circulated by a new group, Citizens for Council-Manager.

A poll of members of the Association of Commerce of PEKIN, ILLINOIS, indicates that a majority favors council-manager government for that city.

MANKATO, MINNESOTA, voted 2,604 to 1,737 on May 24 to retain the council-manager plan, in effect since the beginning of 1953. A petition had sought reversal to the commission plan.

GREENVILLE, TEXAS, voted 1,303 to 679 on May 21 to retain the council-manager plan which went into effect in 1954.

ROSENBERG, TEXAS, voted 902 to 854 on May 21 to abandon the council-manager plan, adopted three years ago.

In PILOT ROCK, OREGON, which now has a mayor-council form of govern-

ment under a 1912 charter, the voters on May 20 were called upon to express their preference for a new mayor-council charter or one prescribing the council-manager plan. The vote on the new mayor-council plan was 248 in favor and 102 opposed; the separate vote on the council-manager plan was 144 in favor and 196 opposed.

The charter commission of JUNEAU, ALASKA, has drafted a council-manager charter assisted by President Charles F. Spencer of East Central State College, Ada, Oklahoma. The commission had previously proposed a city administrator.

The PETERSBURG, ALASKA, charter commission has voted to draft a council-manager charter.

Home Rule Aided In Rhode Island

A petition containing 11,314 signatures calling for an election on establishment of a commission to draft a home rule charter for the city of Cranston, Rhode Island, was thrown out by the city's board of canvassers last December although only 4,990 valid signatures (15 per cent of a registration of 33,268) were necessary. The board rejected signatures lacking dates and attesting witnesses although neither are required by state law. Only 4,309 signatures were ruled valid. On May 24 the state Supreme Court unanimously reversed the board of canvassers. An early election is now expected.

Meanwhile a charter proposal giving the mayor somewhat more power than at present was drafted by the city solicitor and was forwarded to the state legislature for its action by a strict party vote in the Cranston city council—eleven Republicans to eight Democrats. The legislature approved it on May 7 but it was vetoed by Republican Governor Christopher Del Sesto, who thereby in-

curred the wrath of the local Republican machine. The governor stated his belief that no action should be taken on a new charter for Cranston until the Supreme Court acted on the home rule charter petition.

A strong-mayor charter for the city of Warwick,¹ drafted by a charter study committee, was approved by the legislature on May 7; it is to be voted on by the people of Warwick at the November 1960 election. A home rule charter had been defeated at the polls in November 1958.

Lake Charles, La., Adopts Charter under New Law

A mayor-council charter was approved at an election on April 19, 1960, for the city of Lake Charles, Louisiana, replacing the present commission form. Lake Charles is the first city in Louisiana to use state legislation that provides for local charter commissions and elections on change in form of government.

Defeat Minneapolis Charter Revision

The voters of Minneapolis on June 7 defeated a proposed revision of the city charter. Suggested changes would have substituted a strong mayor-council government for the present weak mayor-council form and would have replaced the present elective park and library boards with appointive boards.² The vote was 55,148 to 43,416 against adoption—98,564 voters participating out of a total of 249,788 registered. The state law requires 55 per cent affirmative vote to amend a home rule charter. The proposed charter revision was the work of a Joint Committee on Charter Review

which included representatives from both political parties, the Citizens League of Minneapolis and Hennepin County, the League of Women Voters and the Chamber of Commerce. It was opposed by the city council and the Central Labor Union.

LLOYD M. SHORT

University of Minnesota

Police-Fire Bonus Vetoed in R. I.

Governor Christopher Del Sesto of Rhode Island, among many vetoes, disapproved a bill adopted by the legislature on May 7, just before the end of the session, seeking to award all regular municipal police and firemen in the state a \$300 grant for the year; this was calculated to total \$810,000. It had been passed under the influence of a powerful lobby of police and firemen, many of whom attended the session. A proposed tax on insurance premiums to finance the grant was defeated.

The governor called the grant discriminatory as against other public employees and said it would represent a fundamental change in the relationship between the state and local governments.

Conference of Mayors Holds Big Convention

More than a thousand mayors and other municipal officials from cities in the United States, Canada and other free world countries participated in the International Municipal Assembly held in conjunction with the 1960 annual conference of the U. S. Conference of Mayors in Chicago, May 11-14.

Mayor Richardson Dilworth of Philadelphia was elected president of the conference for the coming year and Mayor Haydon Burns of Jacksonville was elected vice president.

¹ See the REVIEW, April 1960, page 196.

² See also the REVIEW, February 1960, page 89.

Metropolitan Areas

William N. Cassella, Jr., Editor

Fresno Area Surveyed

Report Recommends City-County Services Agency

THE *Final Report of the Fresno Metropolitan Study*,¹ prepared for the city of Fresno and Fresno County, California, was presented in March. It reviewed the governmental structure of the county of Fresno, the city of Fresno, special districts and other agencies. It discussed services and problems in the metropolitan area—police and fire protection, roads, water, sanitation, planning and control of area development, annexation, parks and recreation, schools, cultural and community activities, finance and taxation, and intergovernmental cooperation.

In addition a series of background data reports were presented on the subjects of: (1) Review of existing reports and plans of the metropolitan area, (2) special districts in Fresno County, (3) cities in Fresno County, (4) some studies and systems of governmental organization in the United States and Canada, (5) comparative financial data for California cities and counties, (6) alternative systems of government for metropolitan areas, (7) school districts and higher education in Fresno County, (8) some current governmental practices in California metropolitan areas.

The report states that: "The metropolitan area is a single inter-related urban community now divided by a shifting, irregular boundary line into two separate jurisdictions—city on one side and county (plus 50 special districts)

on the other. The resulting problems include overlapping and duplication of urban facilities, services, taxes and controls as well as their fragmentation into small entities often not commensurate with metropolitan needs."

The report notes that annexation of the balance of the metropolitan area (60 square miles and 90,000 population) to the city (30 square miles and 133,000 population) would automatically eliminate most of the major problems. Annexation is therefore the only satisfactory long-term solution and deserves primary attention. To facilitate annexation decisions, legislation is needed to: (1) Permit the city to initiate all annexation proceedings, (2) permit the county to annex areas surrounded by the city (county islands).

The report concludes, however, that a successful annexation effort will take several years. In order to handle the interim period, to pave the way for annexation and to provide for those problems, the following are needed:

1. State legislation permitting the county to control, consolidate, dissolve or prevent the formation of all urban-service special districts in the metropolitan area;

2. Amendment of the county service area law to include any urban service, bond provisions, joint city participation and the substitution of county service areas in the place of existing or proposed special districts;

3. City-county sponsorship of an informal Metropolitan Advisory Council—made up of key federal, state, district, school, city and county units serving the area as well as legislators, consultants and citizen groups—would assist the integration of metropolitan thinking and action;

4. If city-county cooperation is to receive adequate consideration as an alter-

¹ By William R. Zion and F. Patrick Henry, Governmental Research Associates, Lafayette, California, 1960. 209 pages.

native to use of "super-governments" in the solution of metropolitan problems, then city-county governments should be permitted the same tools that super-governments use: flexible service area boundaries, a variety of taxing devices matched to the service areas and the power to implement plans for and administer specific functions in any or all parts of the metropolitan area.

In order to provide for this kind of cooperation, special state legislation establishing the Fresno City-County Metropolitan Services Agency should be enacted. Such legislation would permit the city and the county to set various service boundaries, levy taxes and issue bonds, coordinate planning, research and area development, and to arrange the provision and control of urban facilities or services (including absorption of the urban-service special districts) in any and all parts of the metropolitan area.

The agency would be governed by a joint board composed of city and county officials and its activities would require both city and county approval. Essentially it provides for more equitable financing of the increasing city-county activities in the metropolitan area.

The agency's boundaries would be expandable by motion of its governing board and thus could grow with the metropolitan area; however, its authority in present unincorporated areas would diminish or cease as these areas are annexed to the city. The agency would exist for a stipulated period of time, after which it could be reviewed and continued or dissolved, at the discretion of the board of supervisors and the city council. Eventually, if the city absorbs the whole metropolitan area, the agency would presumably no longer be needed.

The following actions have already been initiated or adopted by the city and county: (1) Uniform zoning ordinance, (2) uniform subdivision ordinance (up for final consideration), (3) joint airport land use control, (4) joint policy

on urban services, districts and annexations, (5) joint freeway and road program, (6) joint sponsorship of legislation to annex to the city unincorporated areas surrounded by the city.

* * *

Citizens of Fresno first became aware several years ago that the growth of their community beyond the city's boundaries was creating difficult governmental problems. In 1955 a series of articles in the *Fresno Bee* furthered this interest by describing and illustrating the increasing problems, obtaining the comments of outside experts and urging the appointment by the city and the county of an area-wide citizens' commission and employment of governmental experts to find the answers. During this period the Fresno-Clovis Area Planning Commission was formed by Fresno, Clovis (the only other city in the area) and Fresno County. The commission hired a planning staff in 1956 and somewhat over a year later a general plan for the metropolitan area was completed and the area planning commission terminated.

In 1956 the city and county appointed a citizens' group, the Fresno Metropolitan Area Study Committee, to look into the problem. The committee met with national, state and local governmental experts to explore various aspects of the problem. In 1957 it recommended that a consulting firm be employed to undertake a metropolitan governmental study.

In 1958 a joint subcommittee consisting of two city councilmen, two county supervisors and the citizens' committee chairman was appointed to draw up a study outline. A San Francisco-Oakland Bay Area firm, William Zion and F. Patrick Henry, Governmental Research Associates, was selected and a contract entered into early in 1959 which provided that:

"The consultant is to collect and analyze appropriate data and report to the city and county the most appropriate le-

gal and practical methods of extending governmental services now and in the future . . . applicable to proposals for annexation, special district formation, local governmental or functional consolidation, etc. . . .

"He shall then prepare a report on existing or future metropolitan governmental problems with suggested solutions and alternatives. Tentative recommendations are to be discussed with the subcommittee and the citizens' committee to the end that, in so far as possible, final recommendations will have the endorsement of the two committees.

"The final report is due in one year, at a maximum cost of \$13,500, to be shared equally by the city and county. Subsequent appearances, presentations and work by the consultant are optionally provided for."

During the study the subcommittee, citizens' committee and consultants met at least monthly. At these meetings the study outline was refined, progress reports made, background data presented, visual material explained and available national, state and local research reports and other published materials distributed. Committee members, government officials and the consultants presented and discussed various problems and possible solutions.

The place of the 30-member citizens' committee in the study may be summarized as:

1. A representative sounding board for problems and possible solutions,

2. A group to support the implementation of study recommendations, having the advantages of a thorough familiarity with the problems and a conviction of the rightness of the recommended solutions.

In conducting the research, the consultants relied not only on reports and data the county and city could furnish but also met with every governmental unit serving the area (about 70), city and county departments, local engineer-

ing and other consultants, city, county and district legal counsel, public utilities, interested civic organizations and others, during the one year period of the study.

F. PATRICK HENRY

Governmental Research Associates
Lafayette, California

Dade County Moves Toward Metro Planning

As Dade County (Miami), Florida, completes three years of existence under its metropolitan home rule charter, it is useful to examine the operation of the planning function, which so often suffers when there is no government with area-wide jurisdiction.

Has the planning department in Dade County done anything toward solving area-wide planning problems? Is there anything peculiar about a planning department operating within the framework of a "metropolitan" government?

A cursory examination of the metropolitan Miami area would reveal the need for intelligent planning. Dade County is both the youngest of the 75 major metropolitan areas in the United States and the fastest growing. It claims the dubious distinction of containing the highest ratio of motor vehicles to population of any metropolitan area in the United States. Only 38 per cent of its population was served by sanitary sewerage systems as of January 1, 1959—and this with a population growth of 40,000 to 50,000 a year! Stated in another way, some 600,000 of 900,000 people are still relying on septic tanks as the principal means of sewage disposal. Conditions such as these were the basis of a popular demand for some sort of area-wide action.

The metropolitan charter, which took effect in August 1957, recognized the need for establishing county-wide planning. It empowered the county commission to create a department of planning and a planning advisory board and a

zoning appeals board. In conformity with the thinking of planners generally the Dade planning department was separated from the chore of zoning enforcement.

The "metro" planning department has been in existence for approximately one year. The department is directed by Paul Watt and is staffed by young and experienced planners anxious to have a hand in bringing planning to metropolitan Miami. A budget of \$170,000 for October 1, 1959, to September 30, 1960, plus an additional planning assistance grant of \$60,000 from the federal government, has provided the wherewithal to attract and hold a well trained staff of some 25 technical planners and assistants.

The county commission appointed a planning advisory board on January 21, 1959, a few weeks after the planning director arrived on the scene. This board has taken its work seriously and has proceeded on the assumption that it should act as an advisory body and leave the job of details to the planning director and his staff.

The attempt to bring about an orderly and consistent policy with regard to municipal boundary lines was spelled out in the charter. The planning department was empowered to consider all requests by cities for boundary changes. "The planning director shall study municipal boundaries with a view to recommending their orderly adjustment, improvement and establishment." While the county commission has final authority as to the disposition of requests from municipalities for boundary changes it has thus far confirmed the opinion of the planning department and of the planning advisory board. During the first year of operation of the new department six requests for land acquisition by the city of Hialeah were approved and one by Florida City was denied.

An instance of the effect of "metroplanizing" influences in greater Miami

has been provided by the function of urban renewal. A recent decision by the State Supreme Court removed a prohibition against taking advantage of the federal urban renewal program. On February 9, 1960, an urban renewal enabling act was passed by the county commissioners. The urban renewal program which will implement this enabling legislation is being prepared by the planning department. The program will be worked out within the context of the greater Miami area rather than within the city of Miami alone.

* * *

The need for over-all planning is recognized by the charter provision stating that the planning director shall "review the municipal systems of planning, zoning, subdivision and related regulations and make recommendations thereon with a view to coordinating such municipal systems with one another and those of the county." The first steps in this direction were taken when the county planning department and related county agencies undertook a study of Miami's central business district in cooperation with that city's engineering department. This study, under way since February 1960, is being financed by an appropriation of \$17,000 from the county and \$15,000 from the city.

The most ambitious project undertaken by the planning department is preparation of an over-all master plan. In accordance with the provisions of the charter this comprehensive plan will establish minimum standards for the development of the entire county.

The comprehensive plan may become the basis for establishment of minimum zoning regulations to be applied to all municipalities within the county.

The planning department is collecting data concerning incorporated and unincorporated Dade County which has hitherto been unavailable to planners. It has prepared several publications.

Planning and Dade County is a brief presentation of the state of planning in the county; *Economic Base: Basic Facts of the Dade County Economy* is a comprehensive two-volume publication containing complete and current (as of January 1960) data on the general economy of Greater Miami. Publications intended primarily for the benefit of the members of the planning advisory board are *Planning Objectives* and *Urban Growth*.

The future of planning in the first "metropolitan" government in the United States obviously depends, as does planning everywhere, on the leadership displayed by top administrators and by the attitude of the political leaders. The planning department in Dade County is prepared from the point of view of personnel and morale to handle its task. The charter gives the policy-makers adequate powers. One of the basic tasks of the planning department is to present the blueprints of metropolitan development to the policy-makers in order to make their task of implementing the charter easier. The department is cognizant of the part it has to play in the shaping of the Miami metropolitan area and the influence it could have on the development of metropolitan areas all over the United States.

GUSTAVE R. SERINO

University of Miami

Form Metropolitan Traffic Council

Public officials of the Washington metropolitan area have joined to form the Metropolitan Area Traffic Council in an effort to expedite traffic flow throughout the area.

Managers of Maryland and Virginia

counties and cities, representatives of police, traffic, motor vehicle and public works departments of the District of Columbia, local governments and the two states, and personnel from automobile associations make up the council's membership.

Among the projects under way are the development of a manual of uniform traffic control devices, standardization of licenses, inspections and tests for both vehicles and operators, and an examination of traffic court policies, procedures and penalties.

Principles For Annexation Law

A statement of *Basic Principles for a Good Annexation Law* has been released by the American Municipal Association.¹ Prepared by the subcommittee on boundary adjustments of AMA's Metropolitan Areas Committee the statement provides guidelines for those concerned with drafting state statutes governing municipal annexation of unincorporated territory.

Patrick Healy, Jr., executive director of AMA, comments: "Annexation is a tool that can be employed in fashioning a strong and orderly structure of local government for urban areas, and hence useful in the solution of 'metropolitan' problems. . . . In the hope of improvements in the quality of the annexation tools legislatures will henceforth create or adapt, the American Municipal Association offers the 'specifications'."

The AMA committee of public officials utilized the assistance of specialists in municipal law and metropolitan areas in developing the statement.

¹ 1313 East 60th Street, Chicago 37, May 1960, \$1.00.

Commissions Report In Three Counties

Make Recommendations For Greater Efficiency

DEKALB County, Georgia, which includes a portion of Atlanta as well as several suburban municipalities in the metropolitan area, has been changing rapidly from rural to urban and in the process has been encountering the usual problems of urbanization. Several years ago a survey commission was established which engaged the consulting firm of Griffenhagen and Associates to study local problems and make recommendations designed to effect improvement. As a result of the 1954 report of this commission, known popularly as "The Griffenhagen Report," a number of changes were made in the county government, most notable of which were the shift from the single-commissioner type of government to a multiple-member commission and establishment of an elective county executive.

With urbanization continuing at an accelerated pace, the Georgia General Assembly early in 1959 created a second study commission known as the DeKalb County Local Government Commission and instructed it to report to the county legislative delegation and to the DeKalb County commissioners of roads and revenues. The new commission engaged the Public Administration Service to furnish professional assistance. *Program for Progress*, an interim report of the new commission, has now appeared. A PAS report entitled *Report on Local Government in DeKalb County, Georgia*, is transmitted with the commission's report but with the notation that it is included for information only and that the commission "does not necessarily endorse all of its recommendations."

On the basis of the first year of its deliberations the commission, in its interim report, presents several specific recommendations. Central among these is one for adoption of the county manager plan. "We believe the time has come to institute professional management of our local government affairs and that this can best be accomplished through the county manager form of government. We believe the advantages of being able to select a well qualified administrator outweigh the various disadvantages which are attributed to this plan."

Other recommendations include: (1) Improvements in tax assessment and collection practices, (2) establishment by the county of a system of central police records for use by the county and its various municipalities, (3) empowering of the county to establish a county-wide master plan for future development, (4) direct support by the county for selective industrial development projects to the end that residential tax rates may be kept within reasonable bounds, (5) standardization of business license fees assessed by the county and its various municipalities, and (6) early acquisition of rights of way for needed major thoroughfares.

The commission recognizes that many important findings must await further research during its second year of activity. Specifically designated for more extensive consideration are: (1) The possibility of securing a county charter (the legislative delegation is requested to instruct the commission as to whether it should pursue this matter), (2) the appropriate status of the county's municipalities (the legislative delegation is requested, meantime, to hold in abeyance any legislation that will affect city-county relationships), and (3) functional consolidation.

The final report of the commission is due on December 1, 1960.

In Oakland County (Pontiac), Michigan, a special County Government Study Committee of the county board of supervisors has been at work for more than two years on problems of county organization and administration. The committee was established to analyze the existing structure of county government and make recommendations to the board of supervisors which will improve the operation of, or effect economies in, the administration of the several county functions.

In pursuing its investigations the committee has received written reports from each county agency, has met with many of the department heads and has conferred with officials of other counties. In addition it has received technical assistance from Civic Research, Incorporated (a local non-profit organization devoted to research and education in governmental affairs) and the Citizens Research Council of Michigan. Civic Research has also provided the committee with a survey of the experience of counties in other states with different forms of organization and an analysis of previous attempts to secure county home rule in Michigan.

The study committee made three earlier major recommendations: (1) Merger of the functions of the county clerk and the register of deeds (this has now been accomplished), (2) merger of the drain commissioner's office with the public works department (a recommendation the implementation of which would require permissive state legislation), and (3) proposal of a state constitutional amendment which would give to Michigan counties some self-determination over their internal administrative organization.

A recent report of the committee presents four recommendations: (1) That the traditional practice of rotation in the chairmanship of the county board of supervisors be abandoned and that the board select its chairman on the basis of ability and qualifications, (2) that the board of supervisors establish professional

qualifications for the office of chairman of the board of auditors and that this officer be officially designated by the board of supervisors as the chief administrative officer of the county, (3) that the legislative committee of the board of supervisors continue its efforts to obtain permissive state legislation authorizing merger of the office of drain commissioner with the department of public works, and (4) that efforts be continued to obtain a constitutional amendment authorizing county home rule as the most satisfactory solution to the problems of county government.

It is further recommended, as an interim step, that the board of supervisors cooperate with the State Association of Supervisors and the Supervisors' Inter-County Committee to obtain statutory home rule for counties which would permit county consolidation and the reorganization of non-constitutional offices, boards and commissions.

It is the intention of the study committee to take up at an early date the proposal that the board of road commissioners of Oakland County be made a policy-making body and to consider the status of other boards and commissions in this respect.

* * *

An administrative survey of the departments under the county commissioners and of the coroner's office in King County (Seattle), Washington, has been completed by the John A. Donaho Company, Baltimore consultants. The survey includes reports on the following county departments under the commissioners: engineering, parks, building maintenance, property, purchasing, licensing, inspection, fire protection and health. At the request of the coroner his office was also surveyed. Based on survey findings, several hundred recommendations are presented which it is estimated might effect annual savings of more than a quarter of a million dollars.

The Municipal League of Seattle and King County had recommended that studies be made of all county departments but elected county officials other than the coroner made no such request of the county commissioners. The surveyors informed the league, however, that during their investigations of activities under the county commissioners they came in contact with other departments and observed that many improvements were possible. No evidence was found of irregularities. On the contrary, the shortcomings noted were due, for the most part, to inefficiency and failure to adopt modern businesslike practices.

According to *Municipal News*, a Seattle league publication, the big question now is whether the survey will merely be added to others in the vaults to gather dust or will stimulate a genuine attempt on the part of the county commissioners to put the recommendations into effect.

Alaskan Borough System Delayed

The second and final session of the first Alaska state legislature adjourned in late March without implementing by law the 49th state's unique constitutional provision for borough government, an intermediate unit between state and city.¹

The League of Alaskan Municipalities reports that plans for establishing boroughs both organized and unorganized were presented to the legislature by the Local Boundary Commission and in five bills introduced in the House of Representatives. The report of the Local Boundary Commission, given the power by 1959 law to recommend borough boundary lines, instead merely "suggested" four large unorganized boroughs and seven "unenclosed areas" which together covered the entire area of the

state. The greater part of the four unorganized boroughs suggested would have been encompassed within the most populous of the state's four main districts—the south central. But the legislature disapproved this LBC "recommendation" in a resolution adopted almost unanimously by both houses.

Four of the five borough bills provided for different approaches to borough organization and representation; they differed also in the concept of the borough and its powers. A floor free-for-all on the four bills resulted in the fifth bill under authorship of a special committee composed of authors of the four plus a referee-chairman. This bill, providing for permissive organization of boroughs on the local level, passed the House unanimously; but knotty problems which the Senate had too little time to resolve resulted in its defeat of the bill not just once but three times.

Just before adjournment, two resolutions directing interim study and recommendations for borough legislation were approved by both houses. Studies and recommendations will be the cooperative effort of the Legislative Council, the Division of Local Affairs and the Local Boundary Commission. The study directives, however, were not backed by appropriations conducive to maximum effort. The \$34,000 appropriated for both the division and LBC is less than the amount available to them for the eight months of their fiscal 1960 existence; it is about half the amount requested by the governor for fiscal 1961.

Grand Jury Recommends CAO

The report of the 1959 grand jury of Humboldt County (Eureka), California, found little fault with county departments or officers but rather commended all for general efficiency considering the conditions under which they have been

¹ See the REVIEW, April 1959, page 203.

operating, reports the *Humboldt Standard*.

A few suggestions for improvement were made, however, the principal recommendation being for a county administrator form of government. "While the board of supervisors is doing a very fine job of running our county," the report declared, "it is the opinion of this grand jury that the board of supervisors should make a thorough study of changing over to a county administrator form of government."

In lesser recommendations the grand jury suggested that the board of supervisors hold monthly or bi-monthly meetings with department heads. It upheld the long-standing contention of the sheriff's office that the lower priced economy cars now provided for that department are inadequate for law-enforcement work. It was felt that, while purchase of the smaller automobiles for most county offices is a sound economy move, the vehicles are not large enough for transporting prisoners and for patrol work. For one thing it is difficult, in the case of the compact cars, to install wire screening to separate prisoners from the driver and still leave enough room in the front seat for safe operation of the vehicle.

In an unprecedented action the entire grand jury held a meeting with the board of supervisors at which the two bodies went over the annual audit, item by item. The supervisors expressed the hope that future grand juries would repeat this sort of meeting.

Los Angeles County Places Records on Microfilm

Los Angeles County, California, where more than a million documents per year are presented for recording, now does all its recording by microphotography, Ray E. Lee, the county's recorder, reports in *The County Officer*. State legis-

lation permitting the use of microfilm for recording became effective in September 1957. By April 1958, 90 per cent of the county's recording had been converted to microfilm; and shortly thereafter complete conversion was achieved. This remarkable accomplishment was made possible by the fact that two years of intensive investigation and planning had preceded initiation of the new recording system.

After more than a year of experience with the microfilming of all incoming documents, substantial satisfaction with the new plan is reported. Three principal advantages over older methods have been apparent to date: savings in costs, reduction in space required for record storage and permanency of records. The cost saving is estimated at some \$200,000 annually. "It is estimated that the complete space required to house microfilm file cabinets, index books, public viewing space and the working area will be only 15 per cent of that required for record books." For "insurance" purposes, "the original negative film is stored in an underground vault, where temperature and humidity are constantly controlled."

Counties Use Electronic Data Processing

In order to avail themselves of state-owned data processing machines which are not being used to full capacity, officials of Washington counties, according to *The County Officer*, have formed a Counties Electronic Data Processing Bureau. "This bureau will provide to all counties services none could afford alone. The bureau offers assessors and treasurers of participating counties processing service at cost on such items as printed assessment rolls, treasurers' rolls and individual tax statements. Much of the routine clerical work previously handled by assessors and treasurers is thus being eliminated."

Proportional Representation*George H. Hallett, Jr., and
Wm. Redin Woodward, Editors*

New York Group Urges P. R. Charter

Presents Plan for City To Moore Commission

THE New York Citizens Union, which has been in the thick of every civic reform campaign in the country's largest city for over 60 years, has recommended proportional representation as a vital feature of city charter revision to the State Commission on Governmental Operations of the City of New York. This commission, headed by former Lieutenant Governor Frank C. Moore, has transferred its investigations of activities to another agency and is devoting itself primarily to improvement of the city's basic law. It has been working closely with civic groups and has invited their views both privately and in public hearings held in June.

The first comprehensive plan was presented by the Citizens Union after several months of study and discussion by a special Citizens Union Charter Committee headed by Mayor LaGuardia's comptroller, Joseph D. McGoldrick of Queens College. It recommends a single-chamber legislative body in place of the present complicated two-house arrangement and making this body representative by means of P. R. The present city council has one minority member out of 25 and the board of estimate has no minority members at all.

The portions of the "Outline of a New Charter for New York City" which pertain to the city's legislative machinery read in part as follows:

"The board of estimate and city council should be replaced by a single representative body. In the remainder of this report it is referred to as the city board.

"New York is the last among the larger cities of the country to retain two elective representative bodies rather than one. The arrangements by which responsibility is divided between these two bodies are curiously complicated. Some questions are decided by the council and mayor without the board of estimate, some by the board of estimate alone without any veto by the mayor or the council, some by the council, board of estimate and mayor. It would simplify operations and concentrate attention and responsibility to have a single governing body in all major questions of city policy.

"The city board should not contain the mayor, the comptroller or any administrative official. One of the faults of the present arrangement is that the board of estimate members are individually the principal spenders of the city's funds and at the same time pass on their own and each other's appropriations. . . .

"The city board should consist of approximately fifteen members, chosen from the boroughs in proportion to their current registrations. This would make the board larger than the board of estimate in order to allow it to be more representative, but significantly smaller than the council in order to allow it to act as a whole on most matters instead of through committees. The exercise of board of estimate powers as well as council powers by a body apportioned to the boroughs on the basis of their voting strength should be recognized as giving the people of each borough more effective protection than they now get through the borough presidents and borough members of the council. The present apportionment of a fifteen-member board would presumably be: Brooklyn five, Queens three, Manhattan three, the Bronx three, Richmond one (a minimum of one member would be guaranteed).

"The city board should choose its own presiding officer from its own number instead of having, as the city council has at present, a president elected separately at the polls. With succession to the mayoralty otherwise provided for, there is no need to elect such an officer by popular vote. . . .

"The delegation of each borough on the city board should choose one of its number as chairman, with the title of borough president. He should be the chairman of the borough improvement board.

* * *

"All city elections should be nonpartisan, with nominations made by independent nominating petitions without party or other designations. This will not automatically remove party participation from city elections, but it will remove the undue influence given to party affiliation and regularity at the expense of other considerations which may be more important in the running of municipal affairs. In a city so one-sided in party affiliation it is especially important not to have available talent automatically excluded by considerations which are logically irrelevant. With only two offices to be filled from the city at large, the electorate should be able to get sufficient information about the candidates for these offices, much of it more pertinent than their national party affiliations. In the election of city board members from each borough this should also be true, for reasons explained below. . . .

"The members of the city board allotted to each borough should all be elected from the borough at large by

proportional representation (the method used for city council elections from 1937 through 1945). This would put an end to the present near-monopoly of one political party by assuring substantial minority representation. It would give the voters a wider choice of candidates instead of confining them to the selections of two or three local organizations. It would assure better publicity than would be possible in smaller district elections."

In addition the report calls for transferring the present administrative powers of the borough presidents and the comptroller to the mayor, confining the functions of the comptroller to post-audit and investigation, making the city administrator appointed by the mayor a real administrator with powers of appointment and removal subject to the mayor's approval and general direction, a director of finance under the mayor in charge of most of the city's scattered financial operations, a program instead of a line item budget, filling of vacancies in the offices of mayor and comptroller by the city board until the next regular election, changes in city planning machinery to make it an integral part of the mayor's administration, and provision for setting up a city charter commission at any time by a petition of 50,000 voters and approval at referendum.

English P. R. Society Changes Name

Members of the Proportional Representation Society in Great Britain have voted to change the name of their organization to The Electoral Reform Society. The group was founded in 1884.

States Spend 31 Billions in 1959

Total State Outlay Is Greater Than Revenue

THE Bureau of the Census reports that state governments expended \$31.1 billion in fiscal 1959, while collecting revenue from all sources amounting to \$29.2 billion.¹ Expenditures were 10.8 per cent more than in fiscal 1958 and revenues showed an 11.4 per cent increase in the same period.

Total state outlay was about \$1.9 billion greater than annual revenue in both fiscal 1958 and 1959. These developments mark a definite change from previous years. From 1951 through 1957 there had been an excess of revenue over expenditures in every year but 1955.

Fiscal 1959 saw debt outstanding increase for 37 state governments. Indebtedness rose by 10 per cent and reached a new high of \$16.9 billion by the end of the year as compared with \$15.4 billion in 1958. State borrowing amounted to \$2,249 million while there was only \$723 million debt redemption. More than half of the borrowing was done by five states—California, Massachusetts, Michigan, New York and Pennsylvania. Every state except Arizona and Nevada did some borrowing. At the same time all the states but Alaska had some part of the redemption of debt.

Taxes provided almost two-thirds of the general revenue and amounted to \$15.8 billion. Revenue from the federal

government amounted to almost \$5.9 billion, an increase of 32 per cent over 1958. Intergovernmental revenue from local governments was \$364 million.

Although this type of levy is not used in sixteen states, the largest single tax source was the sales and gross receipts taxes (\$3.7 billion). In order of their total revenue the remaining large tax sources were: motor fuel, \$3.1 billion; income, \$1.8 billion; motor vehicle licenses, \$1.4 billion; corporate net income, \$1 billion; tobacco, \$675 million; and alcoholic beverages, \$599 million.

The four major categories of expenditures were education, \$8.1 billion; highways, \$7.6 billion; public welfare, \$3.2 billion; and health and hospitals, \$2.3 billion. In each instance there was a sizeable increase over the amounts spent in previous years. State government expenditures averaged \$177 per capita. Broken down by the four major functions, the per capita amounts were: education, \$45.86; highways, \$43.42; public welfare, \$18.33; and health and hospitals, \$13.26.

Payments to local governments (\$8.5 billion) represented almost three-tenths of state expenditures while capital outlay, mostly for highways and buildings, was a record \$7 billion.

Many Cities Use Income Tax

Over 440 municipalities in the United States are now levying some form of income tax, according to the Citizens Research Council of Michigan. Philadelphia is the only city exceeding one million population that imposes the levy. Among the 41 cities with a population over 250,000 in 1950 (excluding Washington, D.C.) there are seven deriving revenue from this source: Cincinnati,

¹ *Compendium of State Government Finances in 1959*. Bureau of the Census, U. S. Department of Commerce, Washington, D. C., 1960. 67 pages, 40 cents. (Apply U. S. Government Printing Office, Washington 25, D. C.)

Columbus, Louisville, Philadelphia, Pittsburgh, St. Louis and Toledo.

Generally the tax is a low flat-rate one on the earned income of individuals and the net profits of business and professions. Of those cities mentioned, all but Louisville tax the total earned income of residents regardless of its source. Louisville residents are taxed only on that part of their income earned within the city. Non-residents are taxed by all the cities only on that portion of their income earned within the city.

Municipal income taxes are primarily a post World War II development. The first major city to initiate the tax was Philadelphia in 1940 and its system has proved a model for most other communities adopting it.

Rate of the tax varies among the seven largest cities from a low of $\frac{1}{2}$ of 1 per cent in Pittsburgh to a high of $1\frac{1}{2}$ per cent in Philadelphia. For those cities over 500,000 population (1950 census) using the income tax it has come to represent a considerable percentage of their total tax revenue: 38.7 per cent in Philadelphia, 36.9 per cent in Cincinnati, 16.7 per cent in St. Louis and 14.5 per cent in Pittsburgh.

Government Retirement Systems Show Increase

State and local government employee retirement systems have shown a marked increase in financial scale during recent years, according to data released by the Bureau of the Census on May 5, 1960.¹

In fiscal 1959 the payments made by these systems were only 40 per cent as great as their receipts. Since 1957, receipts have increased by 21 per cent. Though there has been a percentage increase in payments as well, receipts have

so exceeded payments that in the past two years alone there has been a 27 per cent increase in cash and security holdings. In 1952 the total assets of the combined state and local retirement programs was only \$6,406 million, but by 1959 they totalled \$16,340 million.

There has been a somewhat sharper increase in state-administered programs than in the locally administered systems. Payments from state and local funds increased since 1957 by 24 and 23 per cent respectively, while state receipts have expanded 25 per cent to local governments' 15 per cent. State assets rose 30 per cent to the locals' 22 per cent. A sizeable proportion of the state-local programs is still controlled by local governments: local retirement receipts of \$1,091 million in fiscal 1959 represented 37 per cent of the \$2,974 million state-local total; local payments of \$537 million were 45 per cent of the \$1,184 million total; and their cash and security holdings of \$5,842 million were 36 per cent of the more than \$16 billion aggregate.

There has been a decided shift from governmental to nongovernmental securities as a source of investment. In 1959 the total state and local assets of \$16,340 million were divided: \$226 million cash and deposits, \$5,545 million federal government securities, \$4,128 million state and local government securities, and \$6,441 million nongovernmental holdings. Over the past five years more than half of the \$7.6 billion invested by the state-local retirement funds have gone into nongovernmental securities. In 1954 less than 25 per cent of all assets were in such securities, whereas by 1959 nearly 40 per cent were so invested.

Compact Cars— Bane or Boon?

A number of municipalities are now utilizing the new compact model automobiles being produced by American

¹ *Finances of Employee-Retirement Systems of State and Local Governments in 1959*. Bureau of the Census, U. S. Department of Commerce, Washington 25, D.C., 1960. 24 pages, 25 cents.

manufacturers. Chicago, San Francisco and Washington, D. C., are adopting the "little" cars as police cruisers while Los Angeles County, New York State and Seattle, Washington, have begun using them for nonpolice work. Pittsburgh city officials have announced their intention to acquire a large number of the new automobiles.

Conclusive evidence as to their long-term economy has not been established but the lower initial cost and greater gas mileage hold definite promise of substantial savings for government agencies using them.

However, the smaller vehicles represent a mixed blessing according to some revenue officials. Any money saved through the use of compact cars by municipal and state agencies may well be offset by a loss of revenue because of the taxpayers' use of these vehicles. Questions as to what differences are likely to occur in registration fees, retail sales taxes, gasoline taxes and tire excises are beginning to worry some officials. Estimates by the Federal Bureau of Public Roads show a \$50 million a year cut in the federal highway trust fund if 10 per cent of standard automobile registrations are replaced by compacts. On the other hand, there is always the possibility that smaller, less expensive automobiles will result in more two-or-three-car families, in which case revenues would actually increase.

Clearly the full impact of the compact has yet to prove itself.

New York, New Jersey Aid Rail Commuter Lines

New York and New Jersey state governments have taken action in recent weeks to provide relief to railways operating within their respective state boundaries as a partial solution to the ever present commuter problem.

New York authorized a tax cut which will amount to \$13,500,000 annually for the affected lines.

New Jersey instituted a subsidy payment plan the amount of which would depend on the number of passengers carried and the distance they are transported. It is estimated it will cost the state \$6,000,000 a year.

There has been increasing anxiety over the discontinuance of some vital rail-commuter lines in the greater New York area. Some service has already been discontinued and more has been threatened because of the financial loss railroads maintained they were sustaining in providing such facilities.

States Adopt Record 1960 Budgets

The Spring issue of *State Government*, published by the Council of State Governments, presents an interesting summary of 1960 trends, programs and budgets of the states.

The 1960s opened on an auspicious financial note for most states. Last year was a period of economic expansion following the recession of 1957-58 and two-thirds of the legislatures increased taxes in 1959, which left several with healthy cash balances.

None the less, rising prices, the demand for more school facilities and other governmental services resulted in record 1960 budget proposals for most states and in many necessitated tax increases. Governors in Alaska, Kentucky, Massachusetts, Rhode Island, Vermont, Virginia and West Virginia asked for new or increased taxes. In Kentucky, Massachusetts and Virginia these recommendations were for a 3 per cent sales tax and a slight decrease in the state income tax. Five governors, in Hawaii, Kansas, Mississippi, New York and South Carolina, were able to suggest some tax reductions.

The largest single item in most budget increases was for education.

Arlington, Va., Has Citizen Advisers

Committee Aids County Board in Fiscal Affairs

ARLINGTON County, Virginia, has had a citizen committee advising its governing body (county board) on fiscal matters since 1950. It uses advisory committees on several aspects of the county's public business on a continuing basis, partly perhaps because its proximity to the national capital assures an ample local supply of recognized authorities on practically every area of governmental administration eager for experience at the grass roots.

The proposal for citizen advisers was opposed at first, especially by a minority of the county board, on the ground that it implied incompetence and ignorance on the part of board members. While it was conceded that citizens might be called upon for advice on specific problems from time to time, the idea of a permanent "roving committee" was declared to be repugnant. An Advisory Committee on Fiscal Affairs was none the less established in 1950. It was composed of nine citizen members with the chairman of the County Planning Commission, the county manager and the superintendent of schools *ex officio*.

Despite the hesitation with which the idea was received in some quarters, the Advisory Committee on Fiscal Affairs has won community acceptance as a useful adjunct to county government machinery. Upon recommendation of the committee itself, the county board in 1952 formally added the treasurer and the commissioner of the revenue as *ex officio* members, while the chairman of the Planning Commission has been

dropped. In some years the county board has designated one of its members to sit with the committee in a liaison capacity.

An economist member of the staff of the county manager has been assigned from the beginning to act as secretary and stenographic service has been provided by the county board office. Necessary research has been supplied in a number of ways. In some cases the staff of the manager or of county departments or divisions has conducted studies as requested of the manager by the committee. Sometimes necessary data have been collected by the staffs of the elected "constitutional" fiscal officers: the treasurer and the commissioner of the revenue. On two occasions, the aid of the Bureau of Public Administration of the University of Virginia has been secured upon authorization of the county board.

At the time the committee was first established, the county board indicated it expected the committee to develop detailed plans for its work. Before long, however, the board began to "refer" problems to the committee and no detailed long range program has ever been drawn up, although at times the committee has initiated projects.

The first matter referred by the board—an investigation of the personal property tax—was pushed temporarily to the sidelines while the committee concentrated on the second—an investigation of the general reassessment of real property then (1950) in progress. The board made the specific request that the committee bring in a recommendation on the desirability of establishing a Board of Equalization and Assessment Review.

On the basis of a study of assessment practices the committee recommended that a Board of Equalization be established. Moreover, it recommended that the function of assessing real property—

in years other than those in which a court-appointed General Reassessment Board operated—be transferred from the elected commissioner of the revenue to a director of real estate assessments who would head a Department of Real Estate Assessments under the county manager.

These recommendations were followed by the board, despite considerable public opposition which culminated in a law suit. The State Supreme Court of Appeals declared unconstitutional the act upon which the county board had relied in setting up the department. The Board of Equalization, authorized under a different code section, was not affected. The committee thereupon took the lead in securing legislation (by amendment to the county manager act) to permit a referendum on the question and worked to secure an affirmative vote when it was held in 1952. In consequence, a Department of Real Estate Assessments staffed by trained civil servants has been a part of the county organization since 1953.

Another area to which the committee has devoted attention has been that of increasing county revenues. This objective has been pursued along two major lines: (1) improving the efficiency of existing taxes and (2) developing new sources of revenue.

In connection with the first the committee recommended use of the authority to advertise the names of those delinquent in payment of personal property taxes. Delinquent real estate taxes were being advertised but this had not been done for personal property. According to the treasurer, this move has had a marked effect in reducing delinquency. The step was urged after a special study, initiated by the committee, of the causes of tax delinquency had been made in the treasurer's office. An intensive telephone inquiry to all reachable delinquents, conducted with specially recruited staff, contributed significantly to an understand-

ing of the problem and the reduction of delinquency.

The committee recommended the addition of personnel to the staff of the business license division of the commissioner of the revenue's office to audit the books of licensees and aid in enforcing this tax. The recommendation was adopted by the board and improvement in the administration of this tax has been possible.

* * *

After an analysis of the personal property tax which revealed wide variations in the assessments of similarly situated taxpayers, the committee recommended that taxpayers be afforded the option of returning household personal property for assessment either by a detailed listing or by use of a rule-of-thumb: 10 per cent of the assessed value of real estate in the case of a home owner or 50 per cent of annual rent in the case of a tenant. This suggestion (which in effect converted the personal property tax on household goods into a supplementary real estate tax) was enthusiastically accepted by the commissioner and has had good public reception. The committee cooperated in publicizing and explaining the change.

While the primary motivation behind this recommendation was the achievement of greater equity, use of this device has served to increase the yield of the tax. About 85 per cent of those assessed for household personal property make use of the rule-of-thumb option.

The search for new revenue sources—a perennial topic before the committee—has been less fruitful than efforts to improve the efficiency of existing taxes. In the early days of the committee's existence, data were gathered on the existing sources of county revenue and information was compiled on the legal authority of the county in tax matters. While this study (which has been kept

up to date) has added to public knowledge of the county's financial situation, it has made clear that the only additional tax which would yield worthwhile sums is a tax on consumers' utility bills. Counties in Virginia, however, do not possess legal authority to levy such a tax.

A reform in the tax calendar followed a study by the committee and the passage of enabling legislation suggested by it. Originally, all taxes—state income¹ and intangible personal property, county real and personal property—were due by December 5. This bunching of tax payments was not only burdensome for taxpayers but, since the county's fiscal year begins July 1, resulted in revenue shortages during the initial months of the fiscal year. Not infrequently it was necessary during this lean period to contract short term loans with attendant interest costs.

To alleviate the situation, legislation was first secured which would have permitted the county to collect taxes on an installment basis. When this proposal was reviewed by the committee, however, it was discovered that the administrative costs of an installment system, together with other attendant complications, made it undesirable. Accordingly, upon the recommendation of the committee, the county board requested and obtained a change in the date for payment of real property taxes (by other than public service corporations) to August 15. This is the earliest date which is technically feasible.

The activity and degree of success of the fiscal affairs committees over the years have varied, reflecting partly the composition of the committee and partly that of the county board. Increasingly, the committee has become an established and recognized arm of the county government, advice from which the board solicits and considers on the more important tax issues.

Without derogation to any committee member, it can be said from a review of its work over the past ten years, that the larger the number of members with particular expertise in the fiscal field, the more imaginative the committee has been in addressing itself to the fiscal problems which face the community and which the county board is called upon to solve. On the whole, the committee has made an impressive contribution to improved fiscal management in Arlington County.

L. L. ECKER-RACZ

Arlington, Virginia

Michigan Citizen Group for 'Con Con'

At its first general membership meeting on May 21, Citizens for Michigan¹ voted 245 to 29 to support the calling of a constitutional convention in its state. The organization will therefore add its efforts to those of the League of Women Voters of Michigan and the Michigan Junior Chamber of Commerce, which have been gathering signatures to place the question of a convention on the November ballot. Some 300,000 signatures are sought, to cover the legal minimum of 231,200 needed for filing by the deadline, July 8.

Chairman George Romney, president of American Motors, commented that the action at the meeting establishes the official position of Citizens for Michigan for the first time on a key state issue. Petitions, with detailed instructions for handling, have been mailed to all CFM members with the request that they circulate them immediately. Said Chairman Romney, "This is an opportunity for CFM to show it can be a potent force in working to solve Michigan's problems. With every member doing

¹ See the REVIEW, November 1959, page 542.

¹ Now due on or before May 1.

his or her utmost to obtain signatures on petitions, we can get the job done."

Donald M. Oakes, public management consultant and former city manager of Grand Rapids, Alpena and Berkley, Michigan, has been named CFM executive director. Ralph W. Conant, formerly a staff member of the National Municipal League, who has been heading up CFM staff operations in the preliminary stages, will direct statewide research and study projects. In its new format CFM's *Progress Report* will appear at least once a month.

Winchester Group Wins Manager Campaign

Citizens of the town of Winchester, Connecticut, including the city of Winsted, are congratulating themselves on adoption of a new council-manager charter by the overwhelming majority of 1,211 to 364. One disheartening fact, reports William T. Riiska, chairman of Citizens for Charter Revision, was the rather small turnout of voters.

Citizens for Charter Revision among whose supporters were members of the charter revision committee, members of the Jaycees and their auxiliary, all worked actively for the new charter. Aid came from both the Young Republican Club and the Young Democrats. The local newspaper, *Winsted Evening Citizen*, supported the drive and it was given wide publicity by the neighboring *Hartford Courant*. No apparent opposition developed except for political aspirants.

Main theme of the campaign was that a town of Winchester's size needs a full-time administrator and that a fully trained professional manager would be best for such a post. The campaign emphasized that a manager would give to the citizens more for their tax dollar but would not necessarily bring about a reduction in taxes.

Two days before election day a phone call was made to each family in Winsted. On election day, April 23, a headquarters was set up and calls were made to those who had not appeared at the polls.

The new charter goes into effect in October 1961. Those working for its adoption plan to keep the issue before the public.

Conference on Citizenship

The National Conference on Citizenship will hold its fifteenth annual meeting at the Statler Hilton Hotel, Washington, D. C., September 16-20. Theme of the conference will be "America—A Government of the People, by the People, for the People." Delegates from several hundred organizations will represent all levels of government; religious faiths; professional, veteran, farm, civic and youth organizations; labor, business, industry and finance; and other groups. Further information may be obtained from Carl B. Hyatt, executive director of the conference, P. O. Box 172, Rockville, Maryland.

Get Out the Vote

"The nonpartisan, nonprofit American Heritage Foundation has joined forces with The Advertising Council in conducting another important public service program in this presidential election year," announces Brendan Byrne, executive director of the foundation.

"The purpose of the program is to get more Americans not only to register and vote on an informed basis but also to take an active part in and contribute to the political party of their choice. Endorsed by President Eisenhower and former Presidents Truman and Hoover, the campaign has been acclaimed by both the Republican and Democratic national chairmen as 'the greatest step forward in the history of 20th century politics.'"

Researcher's Digest Patricia H. Shumate, Editor

Texans Analyze Bill of Rights

Compare Practices in 50 States and Model

THE Arnold Foundation at Southern

Methodist University is planning to publish several analytic papers on the present Texas constitution adopted in 1876. The first of this series, edited by John M. Claunch, is *Personal Rights and Liberties* (Dallas, 1960, 101 pages). The authors, Professors T. C. Sinclair and Werner F. Grunbaum of the University of Houston, compare the bills of rights in the 50 state documents and the National Municipal League's *Model State Constitution*.

They discover that the Texas bill is approximately average in length but longer than those bills of rights which have been adopted in the past fifteen years in Missouri, Georgia, New Jersey, Hawaii and Alaska.

The Texas bill furthermore omits no rights which are protected in a majority of other states and safeguards a small group of rights not generally found in other state constitutions. About 90 per cent of the guarantees in the *Model State Constitution* are included in the Texas document.

In debating the impact of the Texas bill of rights, the authors presume that, whatever it is, it would be greater if the rights article were shorter and clearer. They suggest that an ideal revision would include:

1. Deleting statements of political theory or transferring them to a preamble where they would serve as general guides for the people and the government, not as rules for court decisions.

2. Eliminating overlapping both within the bill of rights and other parts of the constitution.

3. Shifting various sections to other and more proper articles of the constitution.

4. Deleting lengthy and technical sections of a statutory rather than a constitutional nature in favor of more generally worded provisions with statutory elaboration.

5. Consolidating lengthy guarantees of one right appearing in several sections.

The second part of the study analyzes the bill of rights section by section. The historical background of each is given as well as its construction and use, its inclusion in other state constitutions and recommendations for revision or retention.

For example, section 1 of the Texas bill of rights is the state sovereignty provision and reads, "Texas is a free and independent state, subject only to the constitution of the United States, and the maintenance of our free institutions and the perpetuity of the union depend upon the preservation of the right of local self-government, unimpaired to all the states."

The first state constitution of Texas was written in 1845. It was revised in 1861, 1866, 1869 and 1876. This present provision reflects the victory of the convention of 1875 over the Reconstructionists. Previous changes were precipitated by secession, the outcome of the Civil War and Reconstruction.

State sovereignty clauses are found today in only four constitutions, two of the oldest ones—Massachusetts and New Hampshire—and two recent ones—New Mexico and Missouri.

The authors note that the division of power between the state of Texas and the federal government is controlled by

the United States constitution and that there have been no cases in which Texas courts have attempted to determine federal-state relationships under this section. However, in 1903, a state court decided that the "right of local self-government" declared in section 1 included some inherent right of municipal self-government which the state could not impair. The Texas Supreme Court promptly disagreed and debate on this subject continued for a number of years. In practice this principle of internal federalism has not been applied extensively and presumably has been abandoned.

In view of all this the authors recommend that section 1 be eliminated. Anything a state constitution says on its relationship with the United States government is either surplusage or unconstitutional and a statement of the relationship of the state to subordinate governments should be defined elsewhere in the constitution.

The discussion of this part of the bill of rights concludes, "Section 1 may have been justified by the immediate history of the times but today certainly we do not need to clutter up the bill of rights with an answer to the Davis Reconstruction government and the constitution of 1869."

The other sections of the bill are subjected to this type of analysis.

Why Brookfield Abandoned Manager Plan

In adding to the growing list of background studies of individual political situations, Kent Quinn defines the reason why *Brookfield, Missouri, Abandons the Council-Manager Plan* (Governmental Research Bureau, Park College, Parkville, Missouri, March 1960, 30 pages). In the management of a small, conservative community whose population is stabilized at just over 5,000, the town's three managers did much to

modernize fiscal operations in the twelve years of the plan's operation, yet did not solve the continuing major problems of water supply and road improvement. In addition, two of the three managers had difficulty with public relations and were not aided by any strong, consistent citizen support of the plan.

The council did not fully understand the nature of the plan's workings—several councilmen tried to force the firing of unpopular department heads and, when the manager refused to give in, began campaigning for abandonment. They were supported by citizens who felt that city services were inadequate, and the plan was abandoned in 1957 by a vote of 1024 to 773.

The author believes that perhaps the most important final factor was the support by the manager of an expensive bond issue for a reservoir which was voted down; "politically it was a mistake as it gave the opponents of the plan the 'proof' that a small town such as Brookfield could not afford the cost of a city manager—his plans for large spending as well as his salary."

ANNE K. STICH

Michigan Institute Reviews 'Con Con,' Pollution

The Institute of Public Administration at the University of Michigan has recently published two studies in its Papers in Public Administration series. In the first, *The 1958 Constitutional Revision Campaign in Michigan* (University of Michigan, Ann Arbor, 1960, 90 pages, \$1.00), which discusses the campaign waged for and against revision author Robert S. Ketchum contends that "the active campaign against revision did not directly defeat it. This defeat probably rests principally, if not exclusively, with voter apathy." He concludes, "Michigan needs a constitutional amendment which would change the requirement for passage of the revision proposition from a

majority of those voting in the election to a majority voting on the question. This amendment would force the opposition to come out fighting, for it could no longer rely on the non-voter to defeat the measure.

The second, Ernest F. Ross's *State Supervision of Michigan Local Governments: The Water Pollution Problem* (1960, 64 pages, \$1.00), scrutinizes the roles of the State Water Resources Commission and the Department of Health in dealing with the pollution situation.

Release Observations On Political Parties

Last December the University of Illinois Institute of Government and Public Affairs and the Illinois Citizenship Clearing House sponsored an Assembly on Illinois Political Parties to discuss problems of the state's parties. Lois M. Pelekoudas has edited the observations and conclusions of the assembly, which are presented in *Illinois Political Parties: Final Report and Background Papers* (the Institute, Urbana, 1960, 81 pages).¹

Participants attributed the failure of many people to take part in partisan politics to: (1) the stigma attached to politics which has led to an overemphasis on nonpartisanship; (2) widespread ignorance of party machinery and operations; (3) refusal of party organizations to accept responsibility for local issues and to formulate programs consistent with community needs; and (4) the failure of parties to use the full potential of their membership. The group recommends that support be given to efforts by business, labor and others to overcome this situation.

On the subject of finance, the assembly agreed that the number of finan-

cial contributors to parties and candidates should be increased and that tax credits, with some limit, should be introduced to encourage more people to contribute. Furthermore, a reasonable amount of candidates' campaign expenditures should be made tax deductible.

The Ethnic Factor In Voting

In *"Our Own Kind"—Voting by Race, Creed or National Origin* (Center for the Study of Democratic Institutions, Box 4068, Santa Barbara, California, 1960, 38 pages), Moses Rischin carefully examines the support solicited and gained by candidates on the basis of race, national origins or religious ties. The most obvious of this narcissistic type of voting is exemplified by the election of a representative whose characteristics are those of the voter. Mr. Rischin enumerates the increasing variety of state and national office-holders coming from ethnic groups.

Candidates in general have long appealed to such groups, however, as Mr. Rischin points out. "The intensity of the campaign [in 1956] for the ethnics' votes was illustrated in a report by the *Chicago Tribune* which noted that the Polish nominee for Illinois state's attorney had been called to Gary, Indiana, to enlist nationality votes for the Republicans. In Gary 'I like Ike' buttons made their appearance in Polish, Czech, Slovak, Ukrainian, Lithuanian, Magyar, Italian, Greek, Armenian, Spanish, French, Japanese and Chinese."

That this appeal was effective, the author attempts to prove; he finds that "the proposition that the ethnic factor is second only to the economic factor in influencing an American's vote is unlikely to be overthrown in the near future."

A. K. S.

¹ Background papers were published before the assembly. See the REVIEW, February 1960, page 104.

Large Cities Need Modern Charters

The Charter Problem of Metropolitan Cities by Richard S. Childs (Citizens Union Research Foundation, 5 Beekman Street, New York 38, 19 pages) is geared to the reformation of the archaic city charters now operative in some of our largest cities, with particular reference to New York City.

The author believes the ideal system of government for a large metropolis would include a city manager, non-partisan elections for a city council selected from moderate-sized constituencies, using the proportional representation system for voting, and the elimination of all other elective administrative offices. Some variation of this type of city government is now the most common form extant among cities below 500,000 population and is applicable to the large metropolitan centers.

Short of achieving the best, decided improvements could still be achieved in the present municipal governments through shortening the ballot, strengthening the office of the mayor by unifying all administrative powers under him, and appointing a skilled administrative assistant.

WILLIAM J. D. BOYD

Seminar and Study Plans

Again this summer, from August 28 to September 7, Syracuse University's Maxwell Graduate School of Citizenship and Public Affairs, in conjunction with the Danforth Foundation, will offer a faculty seminar on available research methods for analyzing metropolitan problems. The first such meeting, held last year, was considered highly successful.

A number of special lectures are planned. Informal discussion periods will comprise the major portion of seminar activity with Jesse V. Burkhead, Norton E. Long and Otis D. Duncan serving as discussion leaders. Twenty-five social science faculty members of assistant professor and instructor rank will participate.

The American Society of Planning Officials is studying internal migration in the United States and metropolitan areas as one of its series of urban studies being made under a grant from the Ford Foundation. Dr. Clarence Senior of Columbia University is conducting the research.

Goucher College alumnae in ten urban centers are initiating a pilot civic education program. The aim of the program, reports Dr. Otto F. Kraushaar, president of the college, is "to raise the level of civic intelligence and participation in dealing with urban problems." The program is conceived as a bridge whereby liberal education can contribute directly to adult civic understanding and encourage the participation of college alumnae in public affairs.

Municipal Reports Contest

The newly established Bureau of Government Research at the University of Rhode Island, Kingston, will sponsor an annual statewide contest for improved municipal reports. Closing date for entries this year is September 1. Cities and towns will be classified into four groups on the basis of population, with the divisions at 5,000, 10,000 and 25,000. Winners in each category will be entered in the New England regional contest.

H.M.O.

Books in Review

Public Administration

GOVERNMENT AND PUBLIC ADMINISTRATION. By John D. Millett. McGraw-Hill Book Company, 330 West 42nd Street, New York, 1959. xii, 484 pp. \$7.95.

A discussion of American political institutions focusing attention on how they operate to keep the means of public administration subject to some measure of political responsibility is presented in this text. The principal thesis is that an element of separate identity will be observed in practice between the legislature, executive and judiciary and the government bureaucracy. A corollary thesis is that administrative agencies should not be thought of only as an extension of the executive branch of government. They are, indeed, distinct echelons of government subject to separate direction by the executive, legislative and judiciary. Politically, Dr. Millett points out, the administrative agencies are responsible to all three and responsibility is not channeled through any one of the branches but exercised directly.

The author notes in the preface that one reason why this subject is so important today is because of the degree of professionalization in the public service. Public administration has become highly technical demanding greater competence from its employees. Who could disagree that the survival of our nation depends upon the capacity and loyalty of those who carry on the public service. However, the democratic ideal requires that, despite the high degree of professionalization, the bureaucracy shall not become the ruler of the people.

The volume is presented in four parts plus an introduction entitled "Politics and Administration." The other sections are devoted to "Constitutional Framework of Public Administration"; two chapters, "The Legislature"; nine chapters, "The Executive"; eight chapters, "The Judiciary"; four chapters and the

conclusion devoted to "The Goal: Responsible Bureaucracy."

In his concluding paragraph Dr. Millett is reassuring when he states: "Our constitutional system possesses the instrumentalization for adequate control of bureaucracy so long as the structure of political power encourages the effective operation of the political institutions of our society, and so long as the political institutions lead and encourage as well as direct and supervise the administrative work of government, that long shall we continue to have a politically responsible bureaucracy in a democratic polity and a free society."

TROY R. WESTMEYER

New York University

State Government

THE BOOK OF THE STATES—1960-1961. Edited by Frank Smothers. Council of State Governments, 1313 East 60th Street, Chicago 37, 1960. 576 pp. \$12.

The Book of the States continues to be an indispensable reference work for researchers, government officials and others interested in the operations of our 50 states, their relationships to each other and to the other levels of government in the federal system.

The current edition, the thirteenth biennial issue, continues the precedent established two years ago of releasing the major volume and following it with two supplements. The council had always issued a supplement listing the elected administrative officials and the legislators. With the 1958-59 edition, it initiated a second supplement, issued approximately six months after the major volume, containing a comprehensive list of appointed and elected officials classified by function. This innovation is welcome as it affords readers a more up-to-date listing of administrative officials based on the changes which occur following elections held in even-numbered years.

The new edition devotes considerable

attention to intergovernmental affairs. This concern is not only reflected in the section formally devoted to intergovernmental relations but also in the section on finances. Taking advantage of the data now available as a result of the 1957 Census of Governments, the current edition includes a new section on state and local government finances which should be of interest to those concerned with the important question of federal-state-local fiscal relations.

The 1960-61 edition also restores the section on state planning and development. This deals with both broad-base state planning and state economic development. The book also retains the related section on housing and urban renewal.

In addition to the new sections, all the other familiar background and comparative statistical information that researchers have grown accustomed to can still be found. The current edition also contains considerable data on the new states of Alaska and Hawaii. Details concerning establishment of the administrative organization of the new states by their first legislatures are reflected both in the text and in many of the tables. It also indicates the renewed interest in a number of states in constitutional revision either through constitutional conventions or revision commissions.

Reading through the 1960-61 edition, one is impressed by the heightened interest in state government throughout the nation. The addition of two new states to the union, creation of the federal Advisory Commission on Intergovernmental Relations, continuing interest in and experimentation with intergovernmental compacts and other arrangements, constitutional revision efforts and a rash of administrative reorganization studies, all attest to the conscientious efforts being made by the states in their attempts to play a vigorous role in our governmental system. The Council of State Governments, so deeply involved in so

many of these activities, has produced in the new edition of *The Book of the States* not only a reference work but also a volume which mirrors the probable directions of state government in the decade just begun.

EDWARD M. KRESKY
Associate Director

New York Commission on the
Revision and Simplification
of the Constitution

Area Development

DEVELOPING THE "LITTLE" ECONOMIES.
A Survey of Area Development Programs in the United States. By Donald R. Gilmore. Committee for Economic Development, 711 Fifth Avenue, New York 22, 1960. 200 pages. \$3.00.

The Committee for Economic Development has undertaken a unique and extremely difficult task in preparing a comprehensive summary of economic development programs being conducted on the local and regional level. *Developing the "Little" Economies* is the result of a survey conducted by the author among the 14,000 public and private economic development organizations in existence in 1957-58.

The report's major purposes are to supply "a basis for judging the practicality and advisability of attempting conscious guidance and stimulation of sub-national economic development" and "to indicate gaps and problem areas not being met by current programs." It is hoped by CED that the survey will help community leaders in improving the effectiveness of their own programs.

Following World War II there has been a tremendous upsurge in development efforts but lack of coordination and the overshadowing of local and regional efforts by federal government enterprises has left it a field little studied by researchers and little understood by the public.

Private concerns, primarily the rail-

roads and utility companies, have come to realize that their own economic future depends upon the expansion and continued economic well-being of the areas they serve. Of all 1957 subnational development expenditures, privately-financed organizations accounted for 52 per cent of the total, with the railroads spending more than the rest of the private organizations combined. The second largest expenditures came from such public bodies as state planning agencies and local planning commissions.

When asked to recommend changes in current programs, the private groups favored increased purchase and preparation of industrial sites, better promotional and public relations work, more personal contact and research. The publicly financed organizations placed greater emphasis on increased personnel, funds and educational efforts.

A high degree of frustration was reported in the survey by both private and public concerns in their attempts to meet the problems of urban sprawl and to work with overlapping and inadequate governmental jurisdictions within the metropolitan framework. The more experienced agencies are now abandoning single community approaches in favor of multi-purpose, comprehensive programs. But the majority of the organizations openly admit they do not know how they will meet the problems of the future. "Coordination, or even consolidation, of organizations and functions, and achievement of an adequate geographical range, would appear to be major problems faced by area development organizations in the United States."

WILLIAM J. D. BOYD

Voting Statistics

AMERICA VOTES 3. A Handbook of Contemporary American Election Statistics. Compiled and edited by Richard M. Scammon. University of Pittsburgh Press, Pittsburgh, 1959. x, 465 pp. \$12.50.

The third edition of this large compendium, published for the Governmental Affairs Institute (1726 Massachusetts Avenue, N.W., Washington 6, D.C.), contains as new material a summary of the 1956 presidential primaries, maps of Alaska and Hawaii and the results of new congressional districting in Texas and Washington. It continues to provide a "profile" sheet for each state of state, city and congressional district maps, county and ward breakdowns of most recent voting statistics for president, governors and senators and statistics on the voting for congressmen since World War II.

ANNE K. STICH

Politics

PROFILE OF AMERICAN POLITICS: READINGS IN AMERICAN GOVERNMENT. Edited by Ernest W. Lefever and Walter V. Hohenstein. Houghton Mifflin Company, 2 Park Street, Boston, 1960. xi, 367 pp. \$3.25.

The authors have done a commendable job of compiling this book of readings in American government. Statements in the preface correctly assess what they have done: "We have drawn from a wide variety of sources past and present. We have ranged from the Federalist Papers to Reinhold Niebuhr, from de Tocqueville to Eric Johnston, from the Mayflower Compact to the Supreme Court decision against racial segregation in public schools. We have included the reflections of politicians and the observations of journalists as well as the writings of scholars."

The book makes for more exciting and "involving" reading than most texts on federal and state government. This kind of material and method of presenting issues makes a lot more sense and impact than treating students to pages which read: such and such an official is elected for so many years and his duties are as follows.

P.H.S.

Additional Books And Pamphlets

(See also *Researcher's Digest* and other departments)

Assessments

ASSESSMENT ADMINISTRATION 1959. Papers Presented at the 25th International Conference on Assessment Administration, Philadelphia, October 11-14, 1959. International Association of Assessing Officers, 1313 East 60th Street, Chicago 37, 1960. vii, 284 pp. \$5.00.

PROCEEDINGS OF THE FOURTH ANNUAL SCHOOL FOR MASSACHUSETTS ASSESSORS, AUGUST 26-28, 1959. Bureau of Government Research, University of Massachusetts, in cooperation with Department of Corporations and Taxation and Association of Massachusetts Assessors, Amherst, 1960. 82 pp.

Business Relocation

BUSINESS RELOCATION CAUSED BY THE BOSTON CENTRAL ARTERY. Greater Boston Economic Study Committee, 200 Berkeley Street, Boston 17, April 1960. 47 pp. Maps and charts.

Conservation

THIS LAND OF OURS. Community and Conservation Projects for Citizens. By Alice Harvey Hubbard. The Macmillan Company, 60 Fifth Avenue, New York, 1960. xv, 272 pp. \$4.95.

Constitutions

MODERNIZING THE STATE CONSTITUTION. New York Chamber of Commerce, 65 Liberty Street, New York 5, 1960. 14 pp.

Criminal Procedure

CRIMINAL PROCEDURE: JURISDICTION AND VENUE. NEW TRIAL AND ARREST OF JUDGMENT. Kentucky Legislative Research Commission, Frankfort, January 1960. 44 and 30 pp. respectively.

Economics

THE TECHNIQUES OF URBAN ECONOMIC ANALYSIS. Edited by Ralph W. Pfouts. Chandler-Davis Publishing Company, P. O. Box 36, West Trenton, New Jersey, 1960. 410 pp. \$5.00.

Education

THE CHILD, THE PARENT AND THE STATE. By James Bryant Conant. Harvard University Press, Cambridge, Massachusetts, 1959. vii, 211 pp. \$3.50.

PUBLIC SCHOOL FINANCE PROGRAMS OF THE UNITED STATES 1957-58. By Albert R. Munse and Eugene P. McLoone. United States Government Printing Office, Washington 25, D. C., 1960. viii, 275 pp. \$2.00.

STRENGTHEN OR ABOLISH? A STUDY OF LOCAL SCHOOL BOARDS IN NEW YORK CITY. Women's City Club of New York, 277 Park Avenue, New York 17, March 1960. 72 pp.

TIME, TALENT AND TEACHERS. Ford Foundation, Office of Reports, 477 Madison Avenue, New York 22, June 1960. 51 pp. Illus.

Federal Government

ORGANIZATION OF FEDERAL EXECUTIVE DEPARTMENTS AND AGENCIES. Report of the Committee on Government Operations, United States Senate. United States Government Printing Office, Washington 25, D. C., April 1960. 71 pp. 25 cents. Charts.

Housing

HOUSING IN YOUR TOWN. What You Can Do About It. By Alexander L. Crosby. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh 22, March 1960. 24 pp.

Incorporation

HOW TO BECOME A CITY. Procedures under Each of Tennessee's Uniform Charters. By Ellen Muhr. Tennessee State Planning Commission, CI-121

Cordell Hull Building, Nashville 3, March 1960. 18 pp. 50 cents.

Industrial Safety

INDUSTRIAL SAFETY LEGISLATION IN NEW JERSEY. By Philip H. Burch, Jr. Bureau of Government Research, Rutgers—The State University, New Brunswick, New Jersey, 1960. 50 pp.

Industries

NEW INDUSTRIES FOR MASSACHUSETTS. Report of the Special Commission on Audit of State Needs. Wright and Potter Printing Co., Legislative Printers, 32 Derne Street, 1960. 52 pp.

Intergovernmental Relations

INTERGOVERNMENTAL RELATIONS IN STATE HIGHWAY LEGISLATION. An Analysis. By Mary Q. Eastwood. Highway Research Board, National Academy of Sciences—National Research Council, 2101 Constitution Avenue, Washington 25, D. C., 1959. 106 pp. \$3.20.

Legislation

DIGEST OF LEGISLATION—1960. Compiled by Ralph N. Klepa. California Legislature, Sacramento, 1960. 110 pp.

GENERAL ASSEMBLY ACTION—REGULAR SESSION, 1960. A Staff Summary of Legislative Enactments. Kentucky Legislative Research Commission, Frankfort, 1960. 56 pp.

SUMMARY OF ALASKA LEGISLATION 1960. Alaska Legislative Council, Box 2199, Juneau, May 1960. 36 pp. \$1.00.

Land Use

LAND USE OF THE PHOENIX URBAN AREA. A Study Basic to Long Range Planning. Advance Planning Task Force, City of Phoenix and Maricopa County, Arizona, May 1959. 55 pp. Illus. \$1.50. (Apply Maricopa County Office of Planning and Zoning Commission, 103 West Jefferson, Phoenix.)

PUBLIC LANDS IN MONTANA—THEIR

HISTORY AND CURRENT SIGNIFICANCE. By William S. Peters and Maxine C. Johnson. Bureau of Business and Economic Research, Montana State University, Missoula, in cooperation with Montana State Planning Board, Helena, April 1959. 79 pp.

Law Drafting

MANUAL FOR USE IN DRAFTING LEGISLATION FOR INTRODUCTION IN THE NEW JERSEY LEGISLATURE. Law Revision and Legislative Services Commission, Room 61, State House, Trenton, n. d. 37 pp.

Majority Rule

JOHN LOCKE AND THE DOCTRINE OF MAJORITY RULE. (Reprint) By Willmoore Kendall. University of Illinois Press, Urbana, 1959. 141 pp. \$2.50.

Metropolitan Areas

THE CONURBATIONS OF GREAT BRITAIN. By T. W. Freeman. Manchester University Press, 16-324 Oxford Road, Manchester 13, England, 1959. xii, 393 pp. Maps. 37s. 6d. net.

Mobile Homes

MOBILE HOME PARKS AND COMPREHENSIVE COMMUNITY PLANNING. By Ernest R. Bartley and Frederick H. Bair, Jr. Public Administration Clearing Service, University of Florida, Gainesville, 1960. xi, 147 pp. \$3.00.

THE MOTIONLESS MOBILE HOME. The Trailer Problem in Community Development. By J. Ross McKeever. Urban Land, Urban Land Institute, 1200 18th Street, N.W., Washington 6, D. C., April 1960. 4 pp. \$1.00.

Municipal Government

BETTER GOVERNMENT: THE MEASURE OF ACHIEVEMENT. The Year 1959. Sixth Annual Report of Mayor Robert F. Wagner to the City Council and to the People of New York City. Mayor's Office, City Hall, New York, 1960. 127 pp.

Planning

MORRILTON. DARDANELLE. CLARKSVILLE. RUSSELLVILLE. Socio-Economic Studies. VALLEY REPORT—A Regional Appraisal. City Planning Division, University of Arkansas, Fayetteville, October 1959. 19, 21, 22, 18 and 13 pp. respectively. 50 cents each.

Police

PROCEEDINGS—SEMINAR IN POLICE ADMINISTRATION. Conducted by the Center for Urban Studies in cooperation with the Wichita Police Department, July 23-24, 1959. Center for Urban Studies, University of Wichita, Wichita, Kansas, 1959. 137 pp.

Political Parties

THE STATE OF OUR CITIES AND SUBURBS IN A CHANGING AMERICA. The Advisory Council, Democratic National Committee, 1028 Connecticut Avenue, Washington, D. C., March 1960. 11 pp. 10 cents.

Proportional Representation

PRELUDE TO DEMOCRACY. A Study of Proportional Representation and the Heritage of Weimar Germany, 1871-1920. By Donald J. Zeigler. University of Nebraska, Lincoln, October 1958. ix, 134 pp. \$1.00.

Public Welfare

IOWA LAWS CONCERNING HOSPITALS AND HOSPITAL CARE OF THE INDIGENT. Institute of Public Affairs and the Graduate Program in Hospital Administration of the State University of Iowa and the Iowa Hospital Association, Iowa City, 1960. 63 pp.

Real Estate

URBAN REAL ESTATE RESEARCH. By David T. Rowlands. Urban Land Institute, 1200 18th Street, N.W., Washington 6, D. C., 1959. 94 pp. \$4.00.

Reapportionment

REPORT OF THE JOINT SPECIAL COMMITTEE ON REDISTRICTING. (Senate Document No. 449.) Massachusetts State Legislature, Boston, December 2, 1959. 32 pp.

State Government

STATE GOVERNMENT AND PUBLIC RESPONSIBILITY: NEW HORIZONS FOR THE COMMONWEALTH OF MASSACHUSETTS. Papers of the 1959 Massachusetts Assembly on State Government. Edited by Robert R. Robbins. Tufts Civic Education Center, Tufts University, Medford, Massachusetts, 1959. xiv, 116 pp.

Taxation and Finance

THE CASE FOR FISCAL PLANNING IN NEW YORK CITY. New York Chamber of Commerce, 65 Liberty Street, New York 5, 1960. 8 pp.

COUNTY REVENUES AND EXPENDITURES IN MISSISSIPPI 1957. By Gordon K. Bryan. Social Science Research Center, Mississippi State University, State College, March 1960. 60 pp.

THE FEDERAL INDIVIDUAL INCOME TAX: REVISING THE RATE AND BRACKET STRUCTURE. Tax Foundation, 30 Rockefeller Plaza, New York 20, November 1959. 32 pp. Tables.

FINANCIAL ADMINISTRATION OF CENTRALIZED DEPARTMENTAL SERVICES. (A Series of Articles.) *Municipal Finance*, Municipal Finance Officers Association of the United States and Canada, 1313 East 60th Street, Chicago 37, May 1960. 32 pp. 50 cents.

Water

COMPREHENSIVE RIVER BASIN PLANNING: THE ARKANSAS-WHITE-RED BASINS INTER-AGENCY COMMITTEE EXPERIENCE. By Robert H. Pealy. Institute of Public Administration, University of Michigan, Ann Arbor, 1959. 82 pp. \$2.00.

Leaguers Speak at Albany Sessions

League officers and staff took part in the three-day workshop, "Preview of Local Government, 1960-1970," spon-

note speakers. Harold S. Shefelman of Seattle, president of the American Society of Planning Officials, spoke on



Frank C. Moore



Luther Gulick



H. S. Shefelman

sored by the New York State Office for Local Government in Albany June 5-8.

Frank C. Moore, chairman of the Local Government Advisory Board, convened the workshop and presided at its opening and closing sessions. Luther Gulick, president of the Institute of Public Administration, was one of the key-

local intergovernmental relations. All three are members of the League's governing Council.

John E. Bebout, League assistant director, and William N. Cassella, Jr., senior associate, were workshop reporters and participated in the discussions.

Myers Heads Nominating Committee

Vernon C. Myers, Council member and publisher of *Look Magazine*, has been appointed chairman of this year's nominating committee by President William Collins.



Vernon C. Myers

Others appointed were John S. Linen, Cecil Morgan, James M. Osborn and Carl H. Pforzheimer, Jr.

The committee will propose candidates for officers and for ten members of the governing Council to re-

Make Reservations Early for Phoenix Conference

Those planning to attend the 66th annual National Conference on Government in Phoenix November 13 to 16 should make their reservations early and directly with the Hotel Westward Ho, which will be Conference headquarters.

place those whose terms will expire. The election will be held November 13 at the annual meeting of members in connection with the National Conference on Government in Phoenix.

Three New State Correspondents

Three additional state correspondents to serve readers of the NATIONAL CIVIC REVIEW have accepted appointment in Nevada, Kansas and New Hampshire.

Jerry E. Mann, executive director of the Nevada Municipal Association and former assistant to United States Senator George W. Malone, will report Nevada developments. Mr. Mann, a graduate of the University of Nevada, also had two years of graduate study in Washington.



Joseph P. Ford

Ernest A. Mosher, executive director of the League of Kansas Municipalities, will report on that state. Mr. Mosher, formerly assistant director of the League of Wisconsin Municipalities, graduated in political science and public administration at the University of Wisconsin and was a Volker graduate fellow in the National Training School for Public Service at Wayne University. He has also been associated with the Detroit Bureau of Governmental Research and the Wisconsin Taxpayers Alliance.

Reporting New Hampshire developments is Joseph P. Ford, director of



Jerry E. Mann



Ernest A. Mosher

the Public Administration Service of the Department of Government, University of New Hampshire. Mr. Ford, who was a Congressional Fellow in Washington under the Congressional Fellowship Program sponsored by the American Political Science Association, has served two terms in the New Hampshire state legislature and as executive secretary for the New Hampshire Republican State Finance Committee.

Goldwater, Reid Honored

Two League regional vice presidents—Senator Barry Goldwater and Thomas R. Reid—recently were recipients of Freedoms Foundation awards in recognition of speeches they have made.

Childs Addresses Forum

Richard S. Childs, chairman of the League's executive committee, was one of a panel of speakers who discussed problems of local and county government before the Huntington Township Forum, made up of delegates from numerous organizations in that township of 125,000 population suburban to New York.

Name New Editor for Taxation, Finance

This month's REVIEW introduces a new editor for its Taxation and Finance department, William J. D. Boyd, League staff associate. Mr. Boyd received his B.A. degree from the University of California, Santa Barbara, and has done graduate work at both Stanford and Princeton Universities.

Mr. Boyd succeeds Jackson Phillips, assistant director of the Department of Municipal Research at Dun and Bradstreet, who had served as editor of the department since November 1956.

Tools for Achieving Better Government

Citizen groups often turn to the League for help in achieving better government in their locality. Listed below are some of the tools available to them:

Campaign Pamphlets

Story of the Council-Manager Plan, 32 pages (1959)	\$.25
Charts: Council-Manager Form, Commission Form, Mayor-Council Form (14 1/4 x 22"), 50 cents each, set of three	1.00
Forms of Municipal Government—How Have They Worked? 20 pages (1958) .....	.25
Facts About the Council-Manager Plan, 8 pages (1959) .....	.05
City Employees and the Manager Plan, 4 pages (1959) .....	.05
Comments of Labor Union Leaders in Council-Manager Cities (mimeo- graphed), 6 pages (1959) .....	.10
P. R. [Proportional Representation], 12 pages (1955) .....	.05
The Citizen Association—How to Organize and Run It, 64 pages (1958)	1.00
The Citizen Association—How to Win Civic Campaigns, 64 pages (1958)	1.00
(The two pamphlets above may be purchased together for \$1.50)	

Model Laws

Model Accrual Budget Law, 40 pages (1946) .....	.75
Model Cash Basis Budget Law, 42 pages (1948) .....	.75
Model City Charter, 172 pages (1941)	1.50
Model County and Municipal Bond Law, 54 pages (1953)	1.00
Model County Charter, 109 pages (1956)	1.50
Model Direct Primary Election System, 46 pages (1951)	1.00
Model Investment of State Funds Law, 38 pages (1954)	1.00
Model Municipal Revenue Bond Law, 31 pages (1958)	1.00
Model Real Property Tax Collection Law, 60 pages (1954)	1.00
Model State and Regional Planning Law, 73 pages (1955)	1.00
Model State Civil Service Law, 32 pages (1953) .....	.75
Model State Constitution, 63 pages (1948)	1.00
Model State Medico-Legal Investigative System, 40 pages (1954) .....	.50
Model Voter Registration System, 56 pages (1957)	1.00

Other Pamphlets and Books

American County—Patchwork of Boards, 24 pages (1946) .....	.35
Best Practice Under the Manager Plan, 8 pages (1957) .....	.15
Civic Victories, by Richard S. Childs, 367 pages (1952)	3.50
Coroners—A Symposium of Legal Bases and Actual Practices, 102 pages mimeographed (1959)	2.00
Digest of County Manager Charters and Laws, 32 pages (1958)	2.00
Compilation of the 48 Direct Primary Systems, 55 pages (1958)	2.00
Guide for Charter Commissions, 48 pages (1960)	1.00
Guide to Community Action, by Mark S. Matthews, 447 pages (1954)	4.00
Manager Plan Abandonments, by Arthur W. Bromage, 40 pages (1959) .....	.50
New Era, New Thinking—Transition to Metropolitan Living, by Luther Gulick (Reprinted from NATIONAL CIVIC REVIEW) 8 pages (1959) .....	.15
New Look at Home Rule, by Benjamin Baker etc. (reprinted from NATIONAL MUNICIPAL REVIEW), 32 pages (1955) .....	.50
Proportional Representation—Illustrative Election, 8 pages (1951) .....	.10
Proportional Representation—Key to Democracy, by George H. Hallett, Jr., 177 pages (1940) .....	.25

Discount on Quantity Orders — Write for Complete List and Description.

National Municipal League

Carl H. Pforzheimer Building
47 East 68th Street, New York 21, N. Y.

American System: Web of Governments

**66th National Conference on Government
Phoenix, Arizona, November 13-16, 1960**

The 1960 National Conference on Government will begin a cycle of three Conferences built around the over-all theme: **AMERICAN SYSTEM: WEB OF GOVERNMENTS**. This cycle is an important part of the League's program to create a better understanding by civic leaders and others of the complex pattern of intergovernmental relationships which characterizes the American system and the unusual demands this system makes upon the citizen. The programs will concentrate on specific aspects of the theme:

1960 — "The Citizen's Dilemma in the Web of Governments"

1961 — "Metropolitan Areas: Focal Point of Intergovernmental Conflict or Cooperation"

1962 — "Leadership 'to Form a More Perfect Union' "

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